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AMENDED IN ASSEMBLY MAY 15, 1997

AMENDED IN ASSEMBLY APRIL 9, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 573**

**Introduced by Assembly Member Kuehl**  
(Coauthor: Senator McPherson)

February 25, 1997

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An act to amend Section 10161.8 of the Business and Professions Code, *to amend Sections 689.030, 695.221, 697.320, 704.130, and 706.030 of the Code of Civil Procedure, to amend Sections 3751.5, 3767, 4014, 4200, 4201, 4506.2, 4506.3, 5100, 5101, 5206, 5230, 5232, 5234, 5235, 5237, 5238, 5240, 5246, 5253, 7551, 7552, 7552.5, 7555, 7571, 7572, 7575, and 10005 of, to add Sections 3553, 3773, 4204, 5201, 5230.1, 5247, 7558, and 7604.5 to, to add Article 9 (commencing with Section 5600) to Chapter 8 of Division 9 of, and to repeal Sections 3780, 3781, 3782, and 5283 of, the Family Code, to amend Section 102425 of the Health and Safety Code, to add Section 19271.5 to the Revenue and Taxation Code, and to add Sections 11475.1a and 11475.7 to, to amend Sections 11350.1, 11350.6, 11350.7, 11356, 11478, 11478.1, 11478.2, 11478.5, 11478.51, 11478.8, 11489, and 14008.6 of, to add Sections 11475.15, 11475.4, 11475.7, 11478.9,*

and 14008.7 to, and to repeal and add Section 11475.1 of, the Welfare and Institutions Code, relating to child support.

## LEGISLATIVE COUNSEL'S DIGEST

AB 573, as amended, Kuehl. Child support: Franchise Tax Board: collection.

Existing law requires real estate brokers to immediately notify the Real Estate Commissioner whenever a real estate salesperson enters the employ of, or is terminated by, the broker.

This bill would require the Real Estate Commissioner to release that information, including the broker's name and address, and the salesperson's name, address, and social security number to the Franchise Tax Board for purposes of enforcing child support obligations.

Existing law requires the district attorney to establish, modify, and enforce child support when the child is receiving public assistance, and when appropriate, to take the same actions on behalf of a child who is not receiving public assistance. Under existing law, the district attorney may refer child support delinquencies to the Franchise Tax Board for collection.

This bill would, additionally, authorize the district attorney to refer child support obligations to the Franchise Tax Board for collection, as specified.

This bill would require any service-recipient, as defined, who makes or is required to file a federal tax information return with regard to certain payments made to a service-provider, to report specified information to the Employment Development Department regarding those payments. The bill would provide that this information may be released only for purposes of enforcing child support obligations and collections and tax enforcement.

The bill would make related changes.

*Existing law establishes procedures for the determination of paternity and for the enforcement of parental financial obligations.*

*This bill would revise those procedures.*

This bill would provide that it shall become operative only if AB 1395 and SB 247 of the 1997–98 Regular Session are enacted and become effective on or before January 1, 1998.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 10161.8 of the Business and  
2 Professions Code is amended to read:  
3 10161.8. (a) Whenever a real estate salesperson  
4 enters the employ of a real estate broker, the broker shall  
5 immediately notify the commissioner thereof in writing.  
6 (b) Whenever employment of a real estate  
7 salesperson is terminated, the broker shall immediately  
8 notify the commissioner thereof in writing.  
9 (c) Whenever a licensee acquires a business address  
10 different from the address shown on his or her license he  
11 or she shall mark out the former address on the face of the  
12 license and type or write the new main office address in  
13 ink on the reverse side, and date and initial the same.  
14 (d) Whenever a real estate salesperson enters the  
15 employ of a new real estate broker he or she shall mark  
16 out the name of his or her former broker on the face of  
17 the license and type or write the name of the new  
18 employing broker in ink on the reverse side, and date and  
19 initial the same.  
20 (e) The commissioner shall release the information  
21 reported in the notification under subdivisions (a) and  
22 (b), including the real estate broker's name and address  
23 and the salesperson's name, address, and social security  
24 number, to the Franchise Tax Board for purposes of  
25 enforcing child support obligations under Section 11475.1  
26 of the Welfare and Institutions Code and for child support  
27 collection purposes authorized under Article 5  
28 (commencing with Section 19271) of Chapter 5 of Part  
29 10.2 of Division 2 of the Revenue and Taxation Code. The  
30 information released under this subdivision to the  
31 Franchise Tax Board shall be on magnetic media or in  
32 other machine-readable form according to standards

1 acceptable to, and as required by, the Franchise Tax  
2 Board. The notification by a real estate broker under this  
3 section shall satisfy that broker's reporting requirement  
4 for those real estate salespersons under Section 11475.7 of  
5 the Welfare and Institutions Code.

6 SEC. 2. *Section 689.030 of the Code of Civil Procedure*  
7 *is amended to read:*

8 689.030. (a) Whenever the district attorney,  
9 pursuant to Section 11350.7 of the Welfare and  
10 Institutions Code, levies upon property pursuant to a  
11 warrant *or notice of levy* for the collection of a support  
12 obligation:

13 (1) If the debtor is a natural person, the debtor is  
14 entitled to the same exemptions to which a judgment  
15 debtor is entitled. Except as provided in subdivisions (b)  
16 and (c), the claim of exemption shall be made, heard, and  
17 determined as provided in Chapter 4 (commencing with  
18 Section 703.010) of Division 2 in the same manner as if the  
19 property were levied upon under a writ of execution.

20 (2) A third person may claim ownership or the right to  
21 possession of the property or a security interest in or lien  
22 on the property. Except as provided in subdivisions (b)  
23 and (c) or as otherwise provided by statute, the  
24 third-party claim shall be made, heard, and determined  
25 as provided in Division 4 (commencing with Section  
26 720.010) in the same manner as if the property were  
27 levied upon under a writ of execution.

28 (b) In the case of a warrant *or notice of levy* issued  
29 pursuant to Section 11350.7 of the Welfare and  
30 Institutions Code, the claim of exemption or the  
31 third-party claim shall be filed with the district attorney  
32 who issued the warrant *or notice of levy*.

33 (c) A claim of exemption or a third-party claim  
34 pursuant to this section shall be heard and determined in  
35 the court specified in Section 689.010 in the county where  
36 the district attorney enforcing the support obligation is  
37 located.

38 SEC. 3. *Section 695.221 of the Code of Civil Procedure*  
39 *is amended to read:*

1 695.221. Satisfaction of a money judgment for support  
2 shall be credited as follows:

3 (a) The money shall first be credited against the  
4 current month's support.

5 (b) Any remaining money is next to be credited  
6 against the accrued interest that remains unsatisfied.

7 (c) Any remaining money shall be credited against the  
8 principal amount of the judgment remaining unsatisfied.  
9 If the judgment is payable in installments, the remaining  
10 money shall be credited against the matured installments  
11 in the order in which they matured.

12 (d) In cases enforced pursuant to Part D  
13 (commencing with Section 651) of Subchapter 4 of  
14 Chapter 7 of Title 42 of the United States Code, if a  
15 lump-sum payment is collected from a support obligor  
16 who has money judgments *for support* owing to more  
17 than one family, after the implementation of the  
18 Statewide Automated Child Support System *and the*  
19 *interface system between the Statewide Automated*  
20 *Child Support Enforcement System and the Los Angeles*  
21 *County Automated Child Support Enforcement System*  
22 *(ACSES Replacement System)*, all support collected shall  
23 be distributed pursuant to guidelines developed by the  
24 State Department of Social Services.

25 (e) Notwithstanding subdivisions (a), (b), and (c), a  
26 collection received as a result of a *federal* tax refund offset  
27 shall first be credited against the interest and then the  
28 principal amount of past due support that has been  
29 assigned to the state pursuant to Section 11477 of the  
30 Welfare and Institutions Code and ~~federal-regulations~~ law  
31 prior to the interest and then principal amount of any  
32 other past due support remaining unsatisfied.

33 (f) *If federal law does not permit states to adopt the*  
34 *same order of distribution for the pre- and post-assistance*  
35 *child support arrears effective October 1, 1998, the*  
36 *following shall be the order of distribution of child*  
37 *support collections through September 30, 2000, except*  
38 *for federal tax refund offset collections, for child support*  
39 *received for families and children who are former*  
40 *recipients of Aid to Families with Dependent Children*

1 (AFDC) program benefits or former recipients of  
2 Temporary Assistance for Needy Families (TANF)  
3 program benefits:

4 (1) The money shall first be credited against the  
5 current month's support.

6 (2) Any remaining money shall next be credited  
7 against interest that accrued on arrearages owed to the  
8 family or children since leaving the AFDC program or  
9 the TANF program and then such arrearages.

10 (3) Any remaining money shall next be credited  
11 against interest that accrued on arrearages owed during  
12 the time the family or children received benefits under  
13 the AFDC program or the TANF program and then such  
14 arrearages.

15 (4) Any remaining money shall next be credited  
16 against interest that accrued on arrearages owed to the  
17 family or children prior to receiving benefits from the  
18 AFDC program or the TANF program and then such  
19 arrearages.

20 (g) If federal law does permit states to adopt the same  
21 order of distribution for the pre- and post-assistance child  
22 support arrears effective October 1, 1998, or effective  
23 October 1, 2000, whichever comes first, the following shall  
24 be the order of distribution of child support collections,  
25 except for federal tax refund offset collections, for child  
26 support received for families and children who are  
27 former recipients of AFDC program benefits or former  
28 recipients of TANF program benefits:

29 (1) The money shall first be credited against the  
30 current month's support.

31 (2) Any remaining money shall next be credited  
32 against interest that accrued on arrearages owed to the  
33 family or children since leaving the AFDC program or  
34 the TANF program and then such arrearages.

35 (3) Any remaining money shall next be credited  
36 against interest that accrued on arrearages owed to the  
37 family or children prior to receiving benefits from the  
38 AFDC program or the TANF program and then such  
39 arrearages.

1 (4) Any remaining money shall next be credited  
2 against interest that accrued on arrearages owed during  
3 the time the family or children received benefits under  
4 the AFDC program or the TANF program and then such  
5 arrearages.

6 SEC. 4. Section 697.320 of the Code of Civil Procedure  
7 is amended to read:

8 697.320. (a) A judgment lien on real property is  
9 created under this section by recording an abstract or a  
10 certified copy of any of the following money judgments  
11 with the county recorder:

12 (1) A judgment for child, family, or spousal support  
13 payable in installments.

14 (2) An interstate lien form promulgated by the federal  
15 Secretary of Health and Human Services pursuant to  
16 Section 652(a)(11) of Title 42 of the United States Code.

17 (3) A judgment entered pursuant to Section 667.7  
18 (judgment against health care provider requiring  
19 periodic payments).

20 (b) Unless the money judgment is satisfied or the  
21 judgment lien is released, a judgment lien created under  
22 paragraph (1) or (2) of subdivision (a) continues during  
23 the period the judgment remains enforceable. Unless the  
24 money judgment is satisfied or the judgment lien is  
25 released, a judgment lien created under paragraph ~~(2)~~  
26 (3) of subdivision (a) continues for a period of 10 years  
27 from the date of its creation. The duration of a judgment  
28 lien created under paragraph ~~(2)~~ (3) of subdivision (a)  
29 may be extended any number of times by recording  
30 during the time the judgment lien is in existence a  
31 certified copy of the judgment in the manner provided in  
32 this section for the initial recording; this rerecording has  
33 the effect of extending the duration of the judgment lien  
34 created under paragraph ~~(2)~~ (3) of subdivision (a) until  
35 10 years from the date of the rerecording.

36 SEC. 5. Section 704.130 of the Code of Civil Procedure  
37 is amended to read:

38 704.130. (a) Before payment, benefits from a  
39 disability or health insurance policy or program are

1 exempt without making a claim. After payment, the  
2 benefits are exempt.

3 (b) Subdivision (a) does not apply to benefits that are  
4 paid or payable to cover the cost of health care if the  
5 judgment creditor is a provider of health care whose  
6 claim is the basis on which the benefits are paid or  
7 payable.

8 (c) *During the payment of disability benefits*  
9 *described in subdivision (a) to a judgment debtor under*  
10 *a support judgment, the judgment creditor may directly*  
11 *or through the appropriate district attorney, seek to apply*  
12 *the benefit payments to satisfy the judgment by an*  
13 *earnings assignment order for support, as defined in*  
14 *Section 706.011, or any other applicable enforcement*  
15 *procedure, but the amount to be withheld pursuant to the*  
16 *earnings assignment order or other procedure shall not*  
17 *exceed the amount to be permitted to be withheld on an*  
18 *earnings assignment order for support under Section*  
19 *706.052.*

20 SEC. 6. *Section 706.030 of the Code of Civil Procedure*  
21 *is amended to read:*

22 706.030. (a) A “withholding order for support” is an  
23 earnings withholding order issued on a writ of execution  
24 to collect delinquent amounts payable under a judgment  
25 for the support of a child, or spouse or former spouse, of  
26 the judgment debtor. A withholding order for support  
27 shall be denoted as such on its face.

28 (b) *The district attorney may issue a withholding*  
29 *order for support pursuant to this chapter to collect a*  
30 *support obligation.*

31 (1) *When the district attorney issues a withholding*  
32 *order for support, a reference in this chapter to a levying*  
33 *officer is deemed to mean the district attorney who issues*  
34 *the withholding order for support.*

35 (2) *Service of a withholding order for support issued*  
36 *by the district attorney may be made by first-class mail or*  
37 *in any other manner described in Section 706.101. Service*  
38 *of a withholding order for support issued by the district*  
39 *attorney is complete when it is received by the employer*  
40 *or a person described in paragraph (1) or (2) of*

1 subdivision (a) of Section 706.101, or if service is by  
2 first-class mail, service is complete as specified in Section  
3 1013.

4 (3) The district attorney shall serve upon the  
5 employer the withholding order for support, a copy of the  
6 order, and a notice informing the support obligor of the  
7 effect of the order and of his or her right to hearings and  
8 remedies provided in this chapter and in the Welfare and  
9 Institutions Code. The notice shall be accompanied by the  
10 forms necessary to obtain an administrative review and  
11 a judicial hearing and instructions on how to file the  
12 forms. Within 10 days from the date of service, the  
13 employer shall deliver to the support obligor a copy of the  
14 withholding order for support and the notice. If the  
15 support obligor is no longer employed by the employer  
16 and the employer does not owe the support obligor any  
17 earnings, the employer shall inform the district attorney  
18 that the support obligor is no longer employed by the  
19 employer.

20 (4) An employer who fails to comply with paragraph  
21 (3) shall be subject to a civil penalty of five hundred  
22 dollars (\$500) for each occurrence.

23 (5) The district attorney shall provide for an  
24 administrative review to reconsider or modify the  
25 amount to be withheld for arrearages pursuant to the  
26 withholding order for support, if the support obligor  
27 requests a review at any time after service of the  
28 withholding order. The review shall be completed within  
29 15 working days after the request is received by the  
30 district attorney. The district attorney shall notify the  
31 employer if the review results in any modifications to the  
32 withholding order for support. If the district attorney  
33 cannot complete the administrative review within 15  
34 working days, the district attorney shall notify the  
35 employer to suspend withholding any disputed amount  
36 pending the completion of the review and the  
37 determination by the district attorney.

38 (6) Nothing in this section prohibits the support  
39 obligor from seeking a judicial determination of  
40 arrearages pursuant to subdivision (c) of Section 11350.8

1 of the Welfare and Institutions Code or from filing a  
2 motion for equitable division of earnings pursuant to  
3 Section 706.052 either prior to or after the administrative  
4 review provided by this section. Upon receiving notice of  
5 the obligor having filed for judicial relief pursuant to this  
6 section, the district attorney shall notify the employer to  
7 suspend withholding any disputed amount pending a  
8 determination by the court within five business days.

9 (c) Notwithstanding any other provision of this  
10 chapter:

11 (1) An employer shall continue to withhold pursuant  
12 to a withholding order for support until the earliest of the  
13 dates specified in paragraph (1), (2), or (3) of subdivision  
14 (a) of Section 706.022, except that a withholding order for  
15 support shall automatically terminate one year after the  
16 employment of the employee by the employer  
17 terminates.

18 (2) A withholding order for support has priority over  
19 any other earnings withholding order. An employer upon  
20 whom a withholding order for support is served shall  
21 withhold and pay over earnings of the employee pursuant  
22 to such order notwithstanding the requirements of  
23 another earnings withholding order.

24 (3) Subject to paragraph (2) and to Article 3  
25 (commencing with Section 706.050), an employer shall  
26 withhold earnings pursuant to both a withholding order  
27 for support and another earnings withholding order  
28 simultaneously.

29 (4) An employer who willfully fails to withhold and  
30 forward support pursuant to a valid earnings withholding  
31 order for support issued and served upon the employer  
32 pursuant to this chapter is liable to the support obligee,  
33 as defined in Section 5214 of the Family Code, for the  
34 amount of support not withheld, forwarded, or otherwise  
35 paid to the support obligee.

36 (5) Notwithstanding any other provision of law, an  
37 employer shall send all earnings withheld pursuant to a  
38 withholding order for support to the levying officer or the  
39 State Disbursement Unit described in Section 5236.5 of

1 *the Family Code within the time period specified by*  
2 *federal law.*

3 *(6) Once the State Disbursement Unit described in*  
4 *Section 5236.5 of the Family Code is operational, all*  
5 *support payments made pursuant to an earnings*  
6 *withholding order shall be made to the State*  
7 *Disbursement Unit.*

8 *(7) Earnings withheld pursuant to an earnings*  
9 *withholding order for support shall be credited toward*  
10 *satisfaction of a support judgment as specified in Section*  
11 *695.221.*

12 *SEC. 7. Section 3553 is added to the Family Code, to*  
13 *read:*

14 *3553. To the extent required by federal law, and*  
15 *subject to confidentiality provisions in state and federal*  
16 *law, in any proceeding involving child, family, or spousal*  
17 *support, or the establishment of a parent-child*  
18 *relationship, the courts shall require the obligor, or the*  
19 *person determined by the court to be the parent, to*  
20 *provide his or her Social Security number. The Social*  
21 *Security number shall be placed in the court records*  
22 *related to the proceeding and shall be made available by*  
23 *the court to any agency that provides child support*  
24 *enforcement services pursuant to Title IV-D of the Social*  
25 *Security Act (42 U.S.C. Sec. 651, et seq.).*

26 *SEC. 8. Section 3751.5 of the Family Code is amended*  
27 *to read:*

28 *3751.5. (a) Notwithstanding any other provision of*  
29 *law, an employer or insurer shall not deny enrollment of*  
30 *a child under the health insurance coverage of a child's*  
31 *parent on any of the following grounds:*

32 *(1) The child was born out of wedlock.*

33 *(2) The child is not claimed as a dependent on the*  
34 *parent's federal income tax return.*

35 *(3) The child does not reside with the parent or in the*  
36 *insurer's service area.*

37 *(b) Notwithstanding any other provision of law, in any*  
38 *case in which a parent is required by a court or*  
39 *administrative order to provide health insurance*  
40 *coverage for a child and the parent is eligible for family*

1 health coverage through an employer ~~doing business in~~  
2 ~~the state~~ or an insurer, the employer or insurer shall do  
3 all of the following, as applicable:

4 (1) Permit the parent to enroll under health insurance  
5 coverage any child who is otherwise eligible to enroll for  
6 that coverage, without regard to any enrollment period  
7 restrictions.

8 (2) If the parent is enrolled in health insurance  
9 coverage but fails to apply to obtain coverage of the child,  
10 enroll that child under the health coverage upon  
11 presentation of the court order or request by the district  
12 attorney, the other parent or person having custody of the  
13 child, or the Medi-Cal program.

14 (3) The employer or insurer shall not disenroll or  
15 eliminate coverage of a child unless either of the  
16 following applies:

17 (A) The employer has eliminated family health  
18 insurance coverage for all of the employer's employees.

19 (B) The employer or insurer is provided with  
20 satisfactory written evidence that either of the following  
21 apply:

22 (i) The court order or administrative order is no  
23 longer in effect or is terminated pursuant to Section 3770.

24 (ii) The child is or will be enrolled in comparable  
25 health insurance coverage through another insurer that  
26 will take effect not later than the effective date of the  
27 child's disenrollment.

28 (c) *In any case in which health insurance coverage is*  
29 *provided for a child pursuant to a court or administrative*  
30 *order, the insurer shall do all of the following:*

31 (1) *Provide any information that may be necessary for*  
32 *the child to obtain benefits through the coverage to both*  
33 *parents or the person having custody of the child and to*  
34 *the district attorney when requested by the district*  
35 *attorney.*

36 (2) *Permit the noncovered parent or person having*  
37 *custody of the child, or a provider with the approval of the*  
38 *noncovered parent or person having custody, to submit*  
39 *claims for covered services without the approval of the*  
40 *covered parent.*

1 (3) *Make payment on claims submitted in accordance*  
2 *with subparagraph (2) directly to the noncovered parent*  
3 *or person having custody, the provider, or to the*  
4 *Medi-Cal program. Payment on claims for services to the*  
5 *child shall be made to the covered parent for claims*  
6 *submitted or paid by the covered parent.*

7 (d) For purposes of this section, “insurer” includes  
8 every health care service plan, self-insured welfare  
9 benefit plan, including those regulated pursuant to the  
10 Employee Retirement Income Security Act of 1974 (29  
11 U.S.C. Sec. 1001, et seq.), self-funded employer plan,  
12 disability insurer, nonprofit hospital service plan, labor  
13 union trust fund, employer, and any other similar plan,  
14 insurer, or entity offering a health coverage plan.

15 ~~(d)~~

16 (e) For purposes of this section, “person having  
17 custody of the child” is defined as a legal guardian, a  
18 caregiver who is authorized to enroll the child in school  
19 or to authorize medical care for the child pursuant to  
20 Section 6550, or a person with whom the child resides.

21 (f) *For purposes of this section, “employer” has the*  
22 *meaning provided in Section 5210.*

23 SEC. 9. *Section 3767 of the Family Code is amended*  
24 *to read:*

25 3767. The employer or other person providing health  
26 insurance shall do all of the following:

27 (a) Notify the applicant for the assignment order of  
28 the commencement date of the coverage of the child.

29 (b) Provide evidence of coverage and any information  
30 necessary for the child to obtain benefits through the  
31 coverage to both parents or the person having custody of  
32 the child and to the district attorney when requested by  
33 the district attorney.

34 (c) Upon request by the parents or person having  
35 custody of the child, provide all forms and other  
36 documentation necessary for the purpose of submitting  
37 claims to the insurance carrier which the employer or  
38 other person providing health insurance usually provides  
39 to insureds.

~~(d) Permit the parent or the person having custody of the child, or a provider with the approval of either the parent or the person having custody of the child, to submit claims for covered services on behalf of the child without the approval of the covered parent.~~

~~(e) Make payments on claims submitted in accordance with subdivision (d) directly to either parent or the person having custody, to the provider, or to the State Department of Health Services.~~

*SEC. 10. Section 3773 is added to the Family Code, to read:*

*3773. (a) This section applies only to Title IV-D cases where support enforcement services are being provided by the district attorney pursuant to Section 11475.1 of the Welfare and Institutions Code.*

*(b) After the court has issued a health insurance coverage assignment pursuant to this article, the district attorney may serve on the employer a notice of health insurance coverage assignment in lieu of the health insurance coverage assignment. The notice of health insurance coverage assignment may be combined with the notice of earnings assignment that is authorized by Section 5246.*

*(c) A notice of health insurance coverage assignment shall have the same force and effect as a health insurance coverage assignment order.*

*(d) The obligor shall have the same right to move to quash or terminate a notice of health insurance coverage assignment as provided in this article for a health insurance coverage assignment order.*

*(e) The notice of health insurance assignment form shall contain the same information as the forms adopted by Judicial Council pursuant to Section 3772.*

*SEC. 11. Section 3780 of the Family Code is repealed.*

~~3780. A health plan for the purposes of this article includes, but is not limited to, a disability insurance plan, a nonprofit hospital service plan, a self-insured employee welfare benefit plan, and a health care service plan.~~

*SEC. 12. Section 3781 of the Family Code is repealed.*

1     ~~3781. (a) Subject to subdivision (b), in any~~  
2 ~~proceeding where there is an order requiring either party~~  
3 ~~to provide coverage under a health plan to a dependent,~~  
4 ~~the court shall order the party covered by a health plan~~  
5 ~~to assign to the other party the rights the covered party~~  
6 ~~has to reimbursement.~~

7     ~~(b) The rights assigned pursuant to this section do not~~  
8 ~~include any rights the covered party has to~~  
9 ~~reimbursement for payments actually made by the~~  
10 ~~covered party. The rights assigned are only for~~  
11 ~~reimbursement for payments made by the noncovered~~  
12 ~~party seeking the reimbursement, and reimbursement~~  
13 ~~shall be only for covered health care services received in~~  
14 ~~the manner required by the plan or policy and provided~~  
15 ~~to a dependent.~~

16     ~~SEC. 13. Section 3782 of the Family Code is repealed.~~

17     ~~3782. (a) The order made pursuant to this article~~  
18 ~~shall also require the party covered by a health plan to~~  
19 ~~provide the appropriate information and forms to enable~~  
20 ~~the party incurring the health care services costs for a~~  
21 ~~dependent to seek reimbursement.~~

22     ~~(b) The court shall notify the health plan of the order~~  
23 ~~made pursuant to this article and shall instruct the health~~  
24 ~~plan to assist the party seeking reimbursement by~~  
25 ~~providing information and forms necessary to receive~~  
26 ~~reimbursement.~~

27     ~~SEC. 14. Section 4014 of the Family Code is amended~~  
28 ~~to read:~~

29     ~~4014. (a) Any order for child support issued or~~  
30 ~~modified pursuant to this chapter shall include a~~  
31 ~~provision requiring the obligor and child support obligee~~  
32 ~~to notify the other parent or, if the order requires~~  
33 ~~payment through an agency designated under Title IV-D~~  
34 ~~of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the~~  
35 ~~agency named in the order, of the name and address of~~  
36 ~~his or her current employer. The Judicial Council shall~~  
37 ~~modify the forms for an order requiring or changing child~~  
38 ~~support to inform the obligor of this obligation.~~

1     ***(b) In any action or proceeding in which paternity or***  
2     ***child support is at issue, the parties shall file with the court***  
3     ***and keep updated all of the following information:***

4         ***(1) Residential and mailing address.***

5         ***(2) Social security number.***

6         ***(3) Telephone number.***

7         ***(4) Driver's license number.***

8         ***(5) Name, address, and telephone number of the***  
9         ***employer.***

10        ***(6) Any other information prescribed by the Judicial***  
11        ***Council.***

12     ***(c) Once the child support registry, as described in***  
13     ***Section 16576 of the Welfare and Institutions Code is***  
14     ***operational, any judgment for paternity and any order for***  
15     ***child support entered or modified pursuant to any***  
16     ***provision of law shall include a provision requiring the***  
17     ***child support obligor and obligee to file and keep updated***  
18     ***the information specified in subdivision (b) with the child***  
19     ***support registry.***

20     ***(d) The Judicial Council shall develop forms to***  
21     ***implement this section on or before July 1, 1998.***

22     ***SEC. 15. Section 4200 of the Family Code is amended***  
23     ***to read:***

24         ***4200. In any proceeding where a court makes or has***  
25         ***made an order requiring the payment of child support to***  
26         ***a parent receiving welfare moneys for the maintenance***  
27         ***of children for whom support may be ordered, the court***  
28         ***shall do both of the following:***

29            ***(a) Direct that the payments of support shall be made***  
30            ***to the county officer designated by the court for that***  
31            ***purpose. Once the State Disbursement Unit is***  
32            ***implemented pursuant to Section 5236.5, all payments***  
33            ***shall be directed to the State Disbursement Unit instead***  
34            ***of the county officer designated by the court.***

35            ***(b) Direct the district attorney to appear on behalf of***  
36            ***the welfare recipient in any proceeding to enforce the***  
37            ***order.***

38     ***SEC. 16. Section 4201 of the Family Code is amended***  
39     ***to read:***

1 4201. In any proceeding where a court makes or has  
2 made an order requiring the payment of child support to  
3 the person having custody of a child for whom support  
4 may be ordered, the court may do either or both of the  
5 following:

6 (a) Direct that the payments shall be made to the  
7 county officer designated by the court for that purpose.

8 *Once the State Disbursement Unit is implemented*  
9 *pursuant to Section 5236.5, all payments shall be directed*  
10 *to the State Disbursement Unit instead of the county*  
11 *officer designated by the court.*

12 (b) Direct the district attorney to appear on behalf of  
13 the minor children in any proceeding to enforce the  
14 order.

15 *SEC. 17. Section 4204 is added to the Family Code, to*  
16 *read:*

17 *4204. Notwithstanding any other provision of law, in*  
18 *any proceeding where the court has made an order*  
19 *requiring the payment of child support to a person having*  
20 *custody of a child and the child support is subsequently*  
21 *assigned to the county pursuant to Section 11477 of the*  
22 *Welfare and Institutions Code or the person having*  
23 *custody has requested the district attorney to provide*  
24 *child support enforcement services pursuant to Section*  
25 *11475.1 of the Welfare and Institutions Code, the district*  
26 *attorney may issue a notice directing that the payments*  
27 *shall be made to the district attorney, another county*  
28 *office, or the State Disbursement Unit described in*  
29 *Section 5236.5. The notice shall be served on both the*  
30 *support obligor and obligee in compliance with Section*  
31 *1013 of the Code of Civil Procedure. The district attorney*  
32 *shall file the notice in the action where the support order*  
33 *was issued.*

34 *SEC. 18. Section 4506.2 of the Family Code is*  
35 *amended to read:*

36 4506.2. (a) Notwithstanding any other provision of  
37 law, when a support obligation is being enforced pursuant  
38 to Title IV-D of the Social Security Act, the agency  
39 enforcing the obligation may file and record a  
40 substitution of payee, if a judgment or abstract of

1 judgment has previously been recorded pursuant to  
2 Section 697.320 of the Code of Civil Procedure by the  
3 support obligee or by a different governmental agency.

4 (b) Notwithstanding any other provision of law, when  
5 the Title IV-D agency ceases enforcement of a support  
6 obligation at the request of the support obligee, the  
7 agency may file and record a substitution of payee, if a  
8 judgment or abstract of judgment has been previously  
9 recorded pursuant to Section 697.320 of the Code of Civil  
10 Procedure.

11 (c) The substitution of payee shall contain all of the  
12 following:

13 (1) The name and address of the governmental agency  
14 or substituted payee filing the substitution and a notice  
15 that the substituted payee is to be contacted when notice  
16 to a lienholder may or must be given.

17 (2) The title of the court, the cause, and number of the  
18 proceeding where the substituted payee has registered  
19 the judgment.

20 (3) The name and last known address of the party  
21 ordered to pay support.

22 (4) The recorder identification number or book and  
23 page of the recorded document to which the substitution  
24 of payee applies.

25 (5) Any other information deemed reasonable and  
26 appropriate by the Judicial Council.

27 (d) The recorded substitution of payee shall not affect  
28 the priorities created by earlier recordings of support  
29 judgments or abstracts of support judgments.

30 (e) *An agency enforcing the support obligation*  
31 *pursuant to Title IV-D of the Social Security Act is not*  
32 *required to obtain prior court approval or a clerk's*  
33 *certification when filing and recording a substitution of*  
34 *payee under this section.*

35 *SEC. 19. Section 4506.3 of the Family Code is*  
36 *amended to read:*

37 4506.3. The Judicial Council, in consultation with the  
38 California Family Support Council, the State  
39 Department of Social Services, and title insurance  
40 industry representatives, shall develop a single form,

1 which conforms with the requirements of Section 27361.6  
2 of the Government Code, for the substitution of payee,  
3 for notice directing payment of support to the district  
4 attorney pursuant to ~~Sections 4200 and 4201~~ *Section 4204*,  
5 and for notice that support has been assigned pursuant to  
6 Section 11477 of the Welfare and Institutions Code. *The*  
7 *form shall be developed on or before July 1, 1998.*

8 *SEC. 20. Section 5100 of the Family Code is amended*  
9 *to read:*

10 5100. Notwithstanding Section 291, a child or family  
11 support order may be enforced by a writ of execution *or*  
12 *a notice of levy pursuant to Section 706.030 of the Code*  
13 *of Civil Procedure or Section 11350.7 of the Welfare and*  
14 *Institutions Code* without prior court approval as long as  
15 the support order remains enforceable.

16 *SEC. 21. Section 5101 of the Family Code is amended*  
17 *to read:*

18 5101. Notwithstanding Section 291, a spousal support  
19 order may be enforced by a writ of execution *or a notice*  
20 *of levy pursuant to Section 706.030 of the Code of Civil*  
21 *Procedure or Section 11350.7 of the Welfare and*  
22 *Institutions Code* without prior court approval as long as  
23 the support order remains enforceable.

24 *SEC. 22. Section 5201 is added to the Family Code, to*  
25 *read:*

26 5201. “Arrearage” or “arrearages” is the amount  
27 necessary to satisfy a support judgment or order pursuant  
28 to Section 695.210 of the Code of Civil Procedure.

29 *SEC. 23. Section 5206 of the Family Code is amended*  
30 *to read:*

31 5206. “Earnings,” to the extent that they are subject  
32 to an earnings assignment order for support under  
33 Chapter 4 (commencing with Section 703.010) of  
34 Division 2 of Title 9 of Part 2 of the Code of Civil  
35 Procedure, include:

36 (a) Wages, salary, bonus, money, and benefits  
37 described in Sections 704.110, 704.113, and 704.115 of the  
38 Code of Civil Procedure.

(b) Payments due for services of independent contractors, *interest*, dividends, rents, royalties, residuals, patent rights, or mineral or other natural resource rights.

(c) Payments or credits due or becoming due as a result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(d) Payments due for workers' compensation temporary disability benefits.

(e) *Payments due as a result of disability from benefits described in Section 704.130 of the Code of Civil Procedure.*

(f) Any other payments or credits due or becoming due ~~as a result of an enforceable obligation, regardless of source.~~

SEC. 24. *Section 5230 of the Family Code is amended to read:*

5230. ~~(a)~~—When the court orders a party to pay an amount for support or orders a modification of the amount of support to be paid, the court shall include in its order an earnings assignment order for support that orders the employer of the obligor to pay to the obligee that portion of the obligor's earnings due or to become due in the future as will be sufficient to pay an amount to cover both of the following:

~~(1)~~

(a) The amount ordered by the court for support.

~~(2)~~

(b) An amount which shall be ordered by the court to be paid toward the liquidation of any arrearage.

~~(b) Upon the filing and service of a notice of motion or order to show cause with the supporting application, an obligee or custodial parent receiving services under Title IV-D of the Social Security Act may request the court to issue an earnings assignment order for support to enforce a support order made or modified before July 1, 1990, including any arrearages, or to modify the support order.~~

SEC. 25. *Section 5230.1 is added to the Family Code, to read:*

1 5230.1. (a) An earnings assignment or income  
2 withholding order for support issued by a court or  
3 administrative agency of another state is binding upon an  
4 employer of the obligor to the same extent as an earnings  
5 assignment order made by a court of this state.

6 (b) When an employer receives an earnings  
7 assignment order or an income withholding order for  
8 support from a court or administrative agency in another  
9 state, all of the provisions of this chapter shall apply.

10 SEC. 26. Section 5232 of the Family Code is amended  
11 to read:

12 5232. Service on an employer of an assignment order  
13 may be made by first-class mail in the manner prescribed  
14 in Section 1013 of the Code of Civil Procedure. The  
15 obligee shall serve the documents specified in Section  
16 5234.

17 SEC. 27. Section 5234 of the Family Code is amended  
18 to read:

19 5234. Within 10 days of service of an assignment order  
20 on an employer, the employer shall deliver both of the  
21 following to the obligor:

22 (a) A copy of the assignment order.

23 (b) A written statement of the obligor's rights under  
24 the law to ~~move to quash the assignment order~~ seek to  
25 quash, modify, or stay service of the earnings assignment  
26 order, together with a blank form that the obligor can file  
27 with the court to request a hearing to quash, modify, or  
28 stay service of the earning assignment with instructions  
29 on how to file the form and obtain a hearing date.

30 (c) The Judicial Council shall develop the form  
31 specified in subdivision (b) on or before July, 1998.

32 SEC. 28. Section 5235 of the Family Code is amended  
33 to read:

34 5235. (a) The employer shall continue to withhold  
35 and forward support as required by the assignment order  
36 until served with notice terminating the assignment  
37 order.

38 (b) Within 10 days of service of a substitution of payee  
39 on the employer, the employer shall forward all

1 subsequent support to the governmental entity or other  
2 payee that sent the substitution.

3 (c) The employer shall send the amounts withheld to  
4 the obligee within ~~10 days of the date the obligor is paid~~  
5 *the timeframe specified in federal law* and shall report to  
6 the obligee the date on which the amount was withheld  
7 from the obligor's wages.

8 (d) The employer may deduct from the earnings of  
9 the employee the sum of one dollar (\$1) for each  
10 payment made pursuant to the order.

11 (e) *Once the State Disbursement Unit as required by*  
12 *Section 5236.5 is operational, the employer shall send all*  
13 *earnings withheld pursuant to this chapter to the State*  
14 *Disbursement Unit instead of the obligee.*

15 SEC. 29. *Section 5237 of the Family Code is amended*  
16 *to read:*

17 5237. (a) Except as provided in ~~subdivision (b)~~  
18 *subdivisions (b) and (c)*, the obligee shall notify the  
19 employer of the obligor, by first-class mail, postage  
20 prepaid, of any change of address within a reasonable  
21 period of time after the change.

22 (b) Where payments have been ordered to be made  
23 to a county officer designated by the court, the obligee  
24 who is the parent, guardian, or other person entitled to  
25 receive payment through the designated county officer  
26 shall notify the designated county officer by first-class  
27 mail, postage prepaid, of any address change within a  
28 reasonable period of time after the change.

29 (c) *If the obligee is receiving support payments from*  
30 *the State Disbursement Unit pursuant to Section 5236.5,*  
31 *the obligee shall notify the State Disbursement Unit*  
32 *instead of the employer of the obligor as provided in*  
33 *subdivision (a).*

34 (d) If the employer ~~or~~ designated county officer, *or*  
35 *the State Disbursement Unit* is unable to deliver  
36 payments under the assignment order for a period of six  
37 months due to the failure of the obligee to notify the  
38 employer or designated county officer of a change of  
39 address, the employer or designated county officer shall  
40 not make any further payments under the assignment

1 order and shall return all undeliverable payments to the  
2 obligor.

3 *SEC. 30. Section 5238 of the Family Code is amended*  
4 *to read:*

5 5238. (a) Where an assignment order or assignment  
6 orders include both current support and payments  
7 towards the liquidation of arrearages, priority shall be  
8 given first to the current child support obligation, then  
9 the current spousal support obligation, and thereafter to  
10 the liquidation of child and then spousal support  
11 arrearages.

12 (b) Where there are multiple assignment orders for  
13 the same employee, the employer shall prorate the  
14 withheld payments as follows:

15 (1) If the obligor has more than one assignment for  
16 support, the employer shall add together the amount of  
17 support due for each assignment.

18 (2) If 50 percent of the obligor's net disposable  
19 earnings will not pay in full all of the assignments for  
20 support, the employer shall prorate it first among all of  
21 the current support assignments in the same proportion  
22 that each assignment bears to the total current support  
23 owed.

24 (3) The employer shall apply any remainder to the  
25 assignments for arrearage support in the same proportion  
26 that each assignment bears to the total arrearage owed.

27 *SEC. 31. Section 5240 of the Family Code is amended*  
28 *to read:*

29 5240. Upon the filing and service of a motion and a  
30 notice of motion by the obligor, the court shall terminate  
31 the service of an assignment order if past due support has  
32 been paid in full, including any interest due, and if any of  
33 the following conditions exist:

34 (a) With regard to orders for spousal support, the  
35 death or remarriage of the spouse to whom support is  
36 owed.

37 (b) With regard to orders for child support, the death  
38 or emancipation of the child for whom support is owed.

39 (c) The court determines that there is good cause, as  
40 defined in Section 5260, to terminate the assignment

1 order. This subdivision does not apply if there has been  
2 more than one application for an assignment order.

3 (d) The obligor meets the conditions of an alternative  
4 arrangement specified in paragraph (2) of subdivision  
5 (b) of Section 5260, and a wage assignment has not been  
6 previously terminated and subsequently initiated.

7 (e) There is no longer a current order for support.

8 (f) The termination of the stay of an assignment order  
9 under Section 5261 was improper, but only if that  
10 termination was based upon the obligor's failure to make  
11 timely support payments as described in subdivision (b)  
12 of Section 5261.

13 (g) The employer or agency designated to provide  
14 services under Title IV-D of the Social Security Act *or the*  
15 *State Disbursement Unit* is unable to deliver payment for  
16 a period of six months due to the failure of the obligee to  
17 notify that employer or agency *or the State Disbursement*  
18 *Unit* of a change in the obligee's address.

19 SEC. 32. Section 5246 of the Family Code is amended  
20 to read:

21 5246. (a) This section applies only to Title IV-D cases  
22 where support enforcement services are being provided  
23 by the district attorney pursuant to Section 11475.1 of the  
24 Welfare and Institutions Code.

25 (b) ~~After the court has ordered an earnings~~  
26 ~~assignment for support pursuant to Section 5230 or 5253,~~  
27 ~~the~~ The district attorney may serve on the employer a  
28 notice of assignment in lieu of the earnings assignment  
29 order in the manner specified in Section 5232. *A notice of*  
30 *assignment shall have the same force and effect as an*  
31 *earnings assignment order.*

32 (c) The notice of assignment shall contain, at a  
33 minimum, the following information:

34 (1) The amount of current support ordered by the  
35 court.

36 (2) Any additional amount to be withheld and applied  
37 to arrearages.

38 (3) The date of the most recent support order.

(4) The name and address of the district attorney to whom the support is to be paid *or the State Disbursement Unit*.

(5) The amount of arrearages and the date through which the arrearages have been calculated, and a statement as to whether or not the arrearages include interest.

(6) Instructions to the employer on how to comply with the earnings assignment order.

(7) A written statement of the obligor's rights under the law to seek to quash or modify the earnings assignment order, together with a blank form which the obligor can file with the court to request a hearing to modify or quash the assignment with instructions on how to file the form and obtain a hearing date.

(d) If the underlying court order for support does not provide for an arrearage payment, or if an additional arrearage accrues after the date of the court order for support, the district attorney may send a notice of assignment directly to the employer which specifies the updated arrearage amount and directs the employer to withhold an additional amount not to exceed 3 percent of the arrearage or fifty dollars (\$50), whichever is greater, to be applied towards liquidation of the arrearages.

(e) Within 10 days of service of the notice of assignment, the employer shall deliver both of the following to the obligor:

(1) A copy of the notice of assignment.

(2) The form to request a hearing described in paragraph (7) of subdivision (c).

(f) If the obligor requests a hearing, a hearing date shall be scheduled within 20 days of the filing of the request with the court. The clerk of the court shall provide notice of the hearing to the district attorney and the obligor no later than 10 days prior to the hearing.

(1) If at the hearing the obligor establishes that he or she is not the obligor or good cause or an alternative arrangement as provided in Section 5260, the court may order that service of the ~~earnings assignment order~~ *notice of assignment* be quashed. If the court quashes service of

1 the ~~earnings assignment order~~ *notice of assignment*, the  
2 district attorney shall notify the employer within 10 days.

3 (2) If the obligor contends at the hearing that the  
4 payment of arrearages at the rate specified in this section  
5 is excessive or that the total arrearages owing is incorrect,  
6 and if it is determined that payment of the arrearages at  
7 the rate specified in this section creates an undue  
8 hardship upon the obligor or that the withholding would  
9 exceed the maximum amount permitted by Section  
10 1673(b) of Title 15 of the United States Code Annotated,  
11 the rate at which the arrearages must be paid shall be  
12 reduced to a rate that is fair and reasonable considering  
13 the circumstances of the parties and the best interest of  
14 the child. If it is determined at a hearing that the total  
15 amount of arrearages calculated is erroneous, the court  
16 shall modify the amount calculated to the correct  
17 amount. If the court modifies the total amount of  
18 arrearages owed or reduces the monthly payment due on  
19 the arrearages, the district attorney shall serve the  
20 employer with an amended notice of assignment within  
21 10 days.

22 (g) If an obligor's current support obligation has  
23 terminated by operation of law, the district attorney may  
24 serve a notice of assignment on the employer which  
25 directs the employer to continue withholding from the  
26 obligor's earnings an amount not to exceed the current  
27 support order that was in effect or 3 percent of the total  
28 support arrearages including interest, whichever is  
29 greater, until such time that the employer is notified by  
30 the district attorney that the arrearages have been paid  
31 in full. The employer shall provide the obligor with the  
32 same documents as provided in subdivision (e). The  
33 obligor shall be entitled to the same rights to a hearing as  
34 specified in subdivision (f).

35 (h) The district attorney shall retain a copy of the  
36 notice of assignment and shall file a copy with the court  
37 whenever a hearing concerning the notice of assignment  
38 is requested.

39 (i) Nothing in this section prohibits the district  
40 attorney from seeking a payment on arrearages which is

1 greater than the amount specified in this section. The  
2 district attorney may seek a higher payment on  
3 arrearages by filing an ex parte ~~motion~~ application with  
4 the court.

5 (j) *The district attorney may transmit a notice of*  
6 *earnings assignment and other forms required by this*  
7 *section to the employer through electronic means.*

8 SEC. 33. *Section 5247 is added to the Family Code, to*  
9 *read:*

10 5247. *Neither the district attorney nor an employer*  
11 *shall be subject to any civil liability for any amount*  
12 *withheld and paid to the obligee, the district attorney, or*  
13 *the State Disbursement Unit pursuant to an earnings*  
14 *assignment order or notice of assignment.*

15 SEC. 34. *Section 5253 of the Family Code is amended*  
16 *to read:*

17 5253. Upon receipt of the application, the court shall  
18 issue, without notice to the obligor, an assignment order  
19 requiring the employer of the obligor to pay to the  
20 obligee *or the State Disbursement Unit* that portion of the  
21 earnings of the obligor due or to become due in the future  
22 as will be sufficient to pay an amount to cover both of the  
23 following:

24 (a) The amount ordered by the court for support.

25 (b) An amount which shall be ordered by the court to  
26 be paid toward the liquidation of any arrearage or past  
27 due support amount.

28 SEC. 35. *Section 5283 of the Family Code is repealed.*

29 ~~5283. (a) Upon receipt of a written request from a~~  
30 ~~district attorney enforcing the obligation of parents to~~  
31 ~~support their children pursuant to Section 11475.1 of the~~  
32 ~~Welfare and Institutions Code, every employer shall~~  
33 ~~cooperate with and provide relevant employment and~~  
34 ~~income information, including information on earnings,~~  
35 ~~as specified, in Section 5206, that the employer has in its~~  
36 ~~possession, to the district attorney for the purpose of~~  
37 ~~establishing, modifying, or enforcing the support~~  
38 ~~obligation. No employer shall incur any liability for~~  
39 ~~providing this information to the district attorney.~~

~~(b) Relevant employment and income information shall include, but not be limited to, all of the following:~~

~~(1) Whether a named person has or has not been employed by an employer.~~

~~(2) The full name of the employee or the first and middle initial and last name of the employee.~~

~~(3) The employee's last known residence address.~~

~~(4) The employee's date of birth.~~

~~(5) The employee's social security number.~~

~~(6) The dates of employment.~~

~~(7) All earnings paid to the employee and reported as W-2 compensation in the prior tax year and the employee's current basic rate of pay.~~

~~(8) Whether dependent health insurance coverage is available to the employee through employment.~~

~~(c) The district attorney shall notify the employer of the district attorney case file number in making a request pursuant to this section. The written request shall include at least three of the following elements regarding the person who is the subject of the inquiry:~~

~~(1) First and last name and middle initial, if known.~~

~~(2) Social security number.~~

~~(3) Driver's license number.~~

~~(4) Birth date.~~

~~(5) Last known address.~~

~~(6) Spouse's name.~~

~~(d) An employer who fails to provide relevant employment information to the district attorney within 30 days of receiving a request pursuant to subdivision (a) may be assessed a civil penalty of a maximum of one thousand dollars (\$1,000), plus attorneys' fees and costs. Proceedings to impose the civil penalty shall be commenced by the filing and service of an order to show cause.~~

*SEC. 36. Article 9 (commencing with Section 5600) is added to Chapter 8 of Division 9 of the Family Code, to read:*

Article 9. *Intercounty Support Obligations*

5600. (a) A district attorney or obligee may register an order for support or earnings withholding, or both, obtained in another county of the state.

(b) An obligee may register a support order in the court of another county of this state in the manner, with the effect, and for the purposes provided in this part. The orders may be registered in any county in which the obligor, the obligee, or the child who is the subject of the order resides, or in any county in which the obligor has income, assets, or any other property.

5601. (a) When the district attorney is responsible for the enforcement of a support order pursuant to Section 11475.1 of the Welfare and Institutions Code, the district attorney may register a support order made in another county by utilizing the procedures set forth in Section 5602 or by filing all of the following in the superior court of his or her county:

(1) An endorsed file copy of the most recent support order or a copy thereof.

(2) A statement of arrearages, including an accounting of amounts ordered and paid each month, together with any added costs, fees, and interest.

(3) A statement prepared by the district attorney showing the post office address of the district attorney, the last known place of residence or post office address of the obligor; the most recent address of the obligor set forth in the licensing records of the Department of Motor Vehicles, if known; and a list of other states and counties in California that are known to the district attorney in which the original order of support and any modifications are registered.

(b) The filing of the documents described in subdivision (a) constitutes registration under this chapter.

(c) Promptly upon registration, the district attorney shall, in compliance with the requirements of Section 1013 of the Code of Civil Procedure, or in any other

1 manner as provided by law, serve the obligor with copies  
2 of the documents described in subdivision (a).

3 (d) If a motion to vacate registration is filed under  
4 Section 5603, any party may introduce into evidence  
5 copies of any pleadings, documents, or orders that have  
6 been filed in the original court or other courts where the  
7 support order has been registered or modified. Certified  
8 copies of the documents shall not be required unless a  
9 party objects to the authenticity or accuracy of the  
10 document in which case it shall be the responsibility of  
11 the party who is asserting the authenticity of the  
12 document to obtain a certified copy of the questioned  
13 document.

14 (e) Upon registration, the clerk of the court shall  
15 forward a notice of registration to the courts in other  
16 counties and states in which the original order for support  
17 and any modifications were issued or registered. No  
18 further proceedings regarding the obligor's support  
19 obligations shall be filed in other counties.

20 (f) The procedure prescribed by this section may also  
21 be used to register support or wage and earnings  
22 assignment orders of other California jurisdictions that  
23 previously have been registered for purposes of  
24 enforcement only pursuant to the Uniform Reciprocal  
25 Enforcement of Support Act (Chapter 6 (commencing  
26 with Section 4800)) in another California county. The  
27 district attorney may register such an order by filing an  
28 endorsed file copy of the registered California order plus  
29 any subsequent orders, including procedural  
30 amendments.

31 (g) The Judicial Council shall develop the forms  
32 necessary to effectuate this section to be effective no later  
33 than July 1, 1998.

34 5602. (a) An obligee may register an order issued in  
35 this state using the same procedures specified in  
36 subdivision (a) of Section 5601.

37 (b) Upon receipt of the documents described in  
38 subdivision (a) of Section 5601, the clerk of the court shall  
39 file them without payment of a filing fee or other cost to

1 *the obligee. The filing constitutes registration under this*  
2 *chapter.*

3 *(c) Promptly upon registration, the clerk of the court*  
4 *shall send, by any form of mail requiring a return receipt*  
5 *from the addressee only, to the obligor at the address*  
6 *given a notice of the registration with a copy of the*  
7 *registered support order and the post office address of the*  
8 *obligee. Proof shall be made to the satisfaction of the*  
9 *court that the obligor personally received the notice of*  
10 *registration by mail or other method of service. A return*  
11 *receipt signed by the obligor shall be satisfactory*  
12 *evidence of personal receipt.*

13 *5603. (a) An obligor shall have 20 days after the*  
14 *service of notice of the registration of a California order*  
15 *of support in which to file a noticed motion requesting the*  
16 *court to vacate the registration or for other relief. In an*  
17 *action under this section, there shall be no joinder of*  
18 *actions, coordination of actions, or cross-complaints, and*  
19 *the claims or defenses shall be limited strictly to the*  
20 *identity of the obligor, the validity of the underlying*  
21 *California support order, or the accuracy of the obligee's*  
22 *statement of the amount of support remaining unpaid*  
23 *unless the amount has been previously established by a*  
24 *judgment or order. The obligor shall serve a copy of the*  
25 *motion, personally or by first-class mail, on the office of*  
26 *the district attorney, private attorney representing the*  
27 *obligee, or obligee representing himself or herself who*  
28 *filed the request for registration of the order, not less than*  
29 *15 days prior to the date on which the motion is to be*  
30 *heard. If service is by mail, Section 1013 of the Code of*  
31 *Civil Procedure applies. If the obligor does not file the*  
32 *motion within 20 days, the registered California support*  
33 *order and all other documents filed pursuant to*  
34 *subdivision (a) of Section 5601 or Section 5602 are*  
35 *confirmed.*

36 *(b) At the hearing on the motion to vacate the*  
37 *registration of the order, the obligor may present only*  
38 *matters that would be available to the obligor as defenses*  
39 *in an action to enforce a support judgment. If the obligor*  
40 *shows, and the court finds, that an appeal from the order*

1 *is pending or that a stay of execution has been granted,*  
2 *the court shall stay enforcement of the order until the*  
3 *appeal is concluded, the time for appeal has expired, or*  
4 *the order is vacated, upon satisfactory proof that the*  
5 *obligor has furnished security for payment of the support*  
6 *ordered. If the obligor shows, and the court finds, any*  
7 *ground upon which enforcement of a California support*  
8 *order may be stayed, the court shall stay enforcement of*  
9 *the order for an appropriate period if the obligor*  
10 *furnishes security for payment of support.*

11 *5604. A previous determination of paternity made by*  
12 *another state, whether established through voluntary*  
13 *acknowledgement procedures in effect in that state or*  
14 *through an administrative or judicial process shall be*  
15 *given full faith and credit by the courts in this state, and*  
16 *shall have the same effect as a paternity determination*  
17 *made in this state and may be enforced and satisfied in a*  
18 *like manner.*

19 *SEC. 37. Section 7551 of the Family Code is amended*  
20 *to read:*

21 *7551. In a civil action or proceeding in which*  
22 *paternity is a relevant fact, the court may upon its own*  
23 *initiative or upon suggestion made by or on behalf of any*  
24 *person ~~whose blood is involved~~ who is involved, and shall*  
25 *upon motion of any party to the action or proceeding*  
26 *made at a time so as not to delay the proceedings unduly,*  
27 *order the mother, child, and alleged father to submit to*  
28 *~~blood~~ genetic tests. If a party refuses to submit to the tests,*  
29 *the court may resolve the question of paternity against*  
30 *that party or enforce its order if the rights of others and*  
31 *the interests of justice so require. A party's refusal to*  
32 *submit to the tests is admissible in evidence in any*  
33 *proceeding to determine paternity. For the purposes of*  
34 *this chapter, "genetic tests" means any genetic test that*  
35 *is generally acknowledged as reliable by accreditation*  
36 *bodies designated by the United States Secretary of*  
37 *Health and Human Services.*

38 *SEC. 38. Section 7552 of the Family Code is amended*  
39 *to read:*

1     7552. ~~The tests shall be made by experts qualified as~~  
2 ~~examiners of blood types who shall be appointed by the~~  
3 ~~court. The tests shall be performed by a laboratory~~  
4 ~~approved by any accreditation body that has been~~  
5 ~~approved by the Secretary of the United States~~  
6 ~~Department of Health and Human Services.~~ Any party or  
7 person at whose suggestion the tests have been ordered  
8 may demand that other experts, qualified as examiners of  
9 blood types, perform independent tests under order of  
10 the court, the results of which may be offered in evidence.  
11 The number and qualifications of these experts shall be  
12 determined by the court.

13     SEC. 39. *Section 7552.5 of the Family Code is*  
14 *amended to read:*

15     7552.5. (a) A copy of the results of all ~~blood~~ genetic  
16 tests performed under Section 7552 or 7558 shall be  
17 served upon all parties, by any method of service  
18 authorized under Chapter 5 (commencing with Section  
19 1010) of Title 14 of Part 2 of the Code of Civil Procedure  
20 except personal service, no later than 20 days prior to any  
21 hearing in which the ~~blood~~ genetic test results may be  
22 admitted into evidence. The ~~blood~~ genetic test results  
23 shall be accompanied by a declaration under penalty of  
24 perjury of the custodian of records or other qualified  
25 employee of the laboratory that conducted the ~~blood~~  
26 genetic tests, stating in substance each of the following:

27     (1) The declarant is the duly authorized custodian of  
28 the records or other qualified employee of the laboratory,  
29 and has authority to certify the records.

30     (2) A statement which establishes in detail the chain  
31 of custody of all ~~blood~~ genetic samples drawn, including  
32 the date on which the ~~blood~~ genetic sample was drawn,  
33 the identity of each person from whom ~~blood~~ genetic  
34 sample was drawn, the identity of the person who  
35 performed or witnessed the drawing of the ~~blood~~ genetic  
36 samples and packaged them for transmission to the  
37 laboratory, the date on which the ~~blood~~ genetic samples  
38 were received by the laboratory, the identity of the  
39 person who unpacked the samples and forwarded them  
40 to the person who performed the laboratory analysis of

1 the ~~blood~~ genetic sample, and the identification and  
2 qualifications of all persons who performed the  
3 laboratory analysis and published the results.

4 (3) A statement which establishes that the procedures  
5 used by the laboratory to conduct the tests for which the  
6 test results are attached are used in the laboratory's  
7 ordinary course of business to ensure accuracy and  
8 proper identification of ~~blood~~ genetic samples.

9 (4) The ~~blood~~ genetic test results were prepared at or  
10 near the time of completion of the ~~blood~~ genetic tests by  
11 personnel of the business qualified to perform ~~blood~~  
12 genetic tests in the ordinary course of business.

13 (b) The ~~blood~~ genetic test results shall be admitted  
14 into evidence at the hearing or trial to establish paternity,  
15 without the need for foundation testimony of  
16 authenticity and accuracy, unless a written objection to  
17 the ~~blood~~ genetic test results is filed with the court and  
18 served on all other parties, by any party no later than five  
19 days prior to the hearing or trial where paternity is at  
20 issue.

21 (c) If a written objection is filed by the court and  
22 served on all parties within the time specified in  
23 subdivision (b), the experts appointed by the court shall  
24 be called by the court as witnesses to testify to their  
25 findings and are subject to cross-examination by the  
26 parties.

27 SEC. 40. Section 7555 of the Family Code is amended  
28 to read:

29 7555. (a) There is a rebuttable presumption,  
30 affecting the burden of proof, of paternity, if the court  
31 finds that the paternity index, as calculated by the experts  
32 qualified as examiners of genetic markers, is 100 or  
33 greater. This presumption may be rebutted by a  
34 preponderance of the evidence.

35 (b) As used in this section:

36 (1) "Genetic markers" mean separate genes or  
37 complexes of genes identified as a result of ~~blood~~ genetic  
38 tests.

39 (2) "Paternity index" means the commonly accepted  
40 indicator used for denoting the existence of paternity. It

1 expresses the relative strength of the test results for and  
2 against paternity. The paternity index, computed using  
3 results of various paternity tests following accepted  
4 statistical principles, shall be in accordance with the  
5 method of expression accepted at the International  
6 Conference on Parentage Testing at Airlie House,  
7 Virginia, May 1982, sponsored by the American  
8 Association of Blood Banks.

9 *SEC. 41. Section 7558 is added to the Family Code, to*  
10 *read:*

11 *7558. (a) This section applies only to cases where*  
12 *support enforcement services are being provided by the*  
13 *district attorney pursuant to Section 11475.1 of the*  
14 *Welfare and Institutions Code.*

15 *(b) In any civil action or proceeding in which*  
16 *paternity is a relevant fact, and in which the issue of*  
17 *paternity is contested, the district attorney may issue an*  
18 *administrative order requiring the mother, child, and the*  
19 *alleged father to submit to genetic testing if any of the*  
20 *following conditions exist:*

21 *(1) The person alleging paternity has signed a*  
22 *statement under the penalty of perjury that sets forth*  
23 *facts that establish a reasonable possibility of the requisite*  
24 *sexual conduct between the mother and the alleged*  
25 *father.*

26 *(2) The person denying paternity has signed a*  
27 *statement under the penalty of perjury that sets forth*  
28 *facts that establish a reasonable possibility of the*  
29 *nonexistence of the requisite sexual contact between the*  
30 *parties.*

31 *(3) The alleged father has filed an answer in the action*  
32 *or proceeding in which paternity is a relevant fact and has*  
33 *requested that genetic tests be performed.*

34 *(4) The mother and the alleged father agree in writing*  
35 *to submit to genetic tests.*

36 *(c) Notwithstanding subdivision (b), the district*  
37 *attorney may not order an individual to submit to genetic*  
38 *tests if the individual has been found to have good cause*  
39 *for failure to cooperate in the determination of paternity*

1 pursuant to Section 11477 of the Welfare and Institutions  
2 Code.

3 (d) The district attorney shall pay the costs of any  
4 genetic tests that are ordered under subdivision (b),  
5 subject to the county obtaining a court order for  
6 reimbursement from the alleged father if paternity is  
7 established under Section 7553.

8 (e) Nothing in this section prohibits any person who  
9 has been ordered by the district attorney to submit to  
10 genetic tests pursuant to this section from filing a notice  
11 of motion with the court in the action or proceeding in  
12 which paternity is a relevant fact seeking relief from the  
13 district attorney's order to submit to genetic tests. In that  
14 event, the court shall resolve the issue of whether genetic  
15 tests should be ordered as provided in Section 7551. If any  
16 person refuses to submit to the tests after receipt of the  
17 administrative order pursuant to this section and fails to  
18 seek relief from the court from the administrative order  
19 either prior to the scheduled tests or within 10 days after  
20 the tests are scheduled, the court may resolve the  
21 question of paternity against that person or enforce the  
22 administrative order if the rights of others or the interest  
23 of justice so require. Except as provided in subdivision  
24 (c), a person's refusal to submit to tests ordered by the  
25 district attorney is admissible in evidence in any  
26 proceeding to determine paternity if a notice of motion  
27 is not filed within the timeframes specified in this  
28 subdivision.

29 (f) If the original test result creates a rebuttable  
30 presumption of paternity under Section 7555 and the  
31 result is contested, the district attorney shall order an  
32 additional test only upon request and advance payment  
33 of the contestant.

34 SEC. 42. Section 7571 of the Family Code is amended  
35 to read:

36 7571. (a) On and after January 1, 1995, upon the  
37 event of a live birth, prior to an unmarried mother  
38 leaving any hospital, the person responsible for  
39 registering live births under Section 102405 of the Health  
40 and Safety Code shall provide to the natural mother and

1 shall attempt to provide, at the place of birth, to the man  
2 identified by the natural mother as the natural father, a  
3 voluntary declaration of paternity together with the  
4 written materials described in Section 7572. The person  
5 responsible for registering the birth shall file the  
6 declaration, if completed, with the birth certificate, and,  
7 if requested, shall transmit a copy of the declaration to the  
8 district attorney of the county where the birth occurred.  
9 A copy of the declaration shall be made available to each  
10 of the attesting parents.

11 (b) No health care provider shall be subject to any  
12 civil, criminal, or administrative liability for any negligent  
13 act or omission relative to the accuracy of the information  
14 provided, or for filing the declaration with the  
15 appropriate state or local agencies.

16 (c) The district attorney shall pay the sum of ten  
17 dollars (\$10) to birthing hospitals and other entities that  
18 provide prenatal services for each completed declaration  
19 of paternity that is filed with the State Office of Vital  
20 Records, provided that the district attorney and the  
21 hospital or other entity providing prenatal services has  
22 entered into a written agreement that specifies the terms  
23 and conditions for the payment as required by federal  
24 law.

25 (d) If the declaration is not registered by the person  
26 responsible for registering live births at the hospital, it  
27 may be completed by the attesting parents, notarized,  
28 and mailed to the State Office of Vital Records at any time  
29 after the child's birth.

30 (e) Prenatal clinics may offer prospective parents the  
31 opportunity to sign a voluntary declaration of paternity.  
32 In order to be paid for their services as provided in  
33 subdivision (c), prenatal clinics must ensure that the  
34 form is witnessed and forwarded to the State Office of  
35 Vital Records.

36 (f) Declarations shall be made available without  
37 charge at all district attorney offices, offices of local  
38 registrars of births and deaths, courts, and county welfare  
39 departments within this state. Staff in these offices shall  
40 witness the signatures of parents wishing to sign a

1 voluntary declaration of paternity and shall be  
2 responsible for forwarding the signed declaration to the  
3 State Office of Vital Records and Statistics.

4 (g) *The district attorney may, at his or her option, pay*  
5 *the sum of ten dollars (\$10) to local registrars of birth and*  
6 *deaths, county welfare departments, or courts for each*  
7 *completed declaration of paternity that is witnessed by*  
8 *staff in these offices and filed with the State Office of Vital*  
9 *Records and Statistics. In order to receive payment, the*  
10 *district attorney and the entity shall enter into a written*  
11 *agreement that specifies the terms and conditions for*  
12 *payment as required by federal law. The State*  
13 *Department of Social Services shall study the effect of the*  
14 *ten dollar (\$10) payment on obtaining completed*  
15 *voluntary declaration of paternity forms and shall report*  
16 *to the Legislature on any recommendations to change the*  
17 *ten dollar (\$10) optional payment, if appropriate, by*  
18 *January 1, 2000.*

19 (h) The State Department of Social Services and  
20 district attorneys shall publicize the availability of the  
21 declarations. The district attorney shall make the  
22 declaration, together with the written materials  
23 described in subdivision (a) of Section 7572, available  
24 upon request to any parent. The district attorney shall  
25 also provide qualified staff to answer parents' questions  
26 regarding the declaration and the process of establishing  
27 paternity.

28 ~~(h)~~

29 (i) Copies of the declaration filed with the State Office  
30 of Vital Records and Statistics shall be made available only  
31 to the parents, the child, the district attorney, the county  
32 welfare department, the county counsel, and the State  
33 Department of Social Services.

34 SEC. 43. *Section 7572 of the Family Code is amended*  
35 *to read:*

36 7572. (a) The State Department of Social Services, in  
37 consultation with the State Department of Health  
38 Services, the California Association of Hospitals and  
39 Health Systems, and other affected health provider  
40 organizations, shall work cooperatively to develop

1 written materials to assist providers and parents in  
2 complying with this chapter.

3 (b) The written materials for parents which shall be  
4 attached to the form specified in Section 7574 and  
5 provided to unmarried parents shall contain the  
6 following information:

7 (1) A signed voluntary declaration of paternity that is  
8 filed with the State Office of Vital Records and Statistics  
9 legally establishes paternity.

10 (2) The legal rights and obligations of both parents and  
11 the child that result from the establishment of paternity.

12 (3) An alleged father's constitutional rights to have the  
13 issue of paternity decided by a court; to notice of any  
14 hearing on the issue of paternity; to have an opportunity  
15 to present his case to the court, including his right to  
16 present and cross-examine witnesses; to have an attorney  
17 represent him; and to have an attorney appointed to  
18 represent him if he cannot afford one in a paternity action  
19 filed by the district attorney.

20 (4) That by signing the voluntary declaration of  
21 paternity, the father is voluntarily waiving his  
22 constitutional rights.

23 (c) *Parents shall also be given oral notice of the rights*  
24 *and responsibilities specified in subdivision (b). Oral*  
25 *notice may be accomplished through the use of audio or*  
26 *videotape programs developed by the State Department*  
27 *of Social Services to the extent permitted by federal law.*

28 (d) The State Department of Social Services shall, free  
29 of charge, make available to hospitals, clinics, and other  
30 places of birth any and all informational and training  
31 materials for the program under this chapter, as well as  
32 the paternity declaration form. The State Department of  
33 Social Services shall make training available to every  
34 hospital, clinic, and other place of birth no later than  
35 October 31, 1994.

36 ~~(d)~~

37 (e) The State Department of Social Services may  
38 adopt regulations, including emergency regulations,  
39 necessary to implement this chapter.

1     SEC. 44. *Section 7575 of the Family Code is amended*  
2     *to read:*

3     7575. (a) Either parent may rescind the voluntary  
4     declaration of paternity by filing a rescission form with  
5     the State Office of Vital Records within 60 days of the date  
6     of execution of the declaration by the attesting father or  
7     attesting mother, whichever signature is later, unless a  
8     court order for custody, visitation, or child support has  
9     been entered in an action in which the signatory seeking  
10    to rescind was a party. The State Department of Social  
11    Services shall develop a form to be used by parents to  
12    rescind the declaration of paternity and instruction on  
13    how to complete and file the rescission with the State  
14    Office of Vital Records. The form shall include a  
15    declaration under penalty of perjury completed by the  
16    person filing the rescission form that certifies that a copy  
17    of the rescission form was ~~either hand delivered or mailed~~  
18    *sent by any form of mail requiring a return receipt* to the  
19    other person who signed the voluntary declaration of  
20    paternity. *A copy of the return receipt shall be attached*  
21    *to the rescission form when filed with the State Office of*  
22    *Vital Records.* The form and instructions shall be written  
23    in simple, easy to understand language and shall be made  
24    available at the local family support office and the office  
25    of local registrar of births and deaths.

26    (b) (1) Notwithstanding Section 7573, if the court  
27    finds that the conclusions of all of the experts based upon  
28    the results of the blood tests performed pursuant to  
29    Chapter 2 (commencing with Section 7550) are that the  
30    man who signed the voluntary declaration is not the  
31    father of the child, the court may set aside the voluntary  
32    declaration of paternity.

33    (2) The notice of motion for blood tests under this  
34    section may be filed not later than two years from the date  
35    of the child's birth by either the mother or the man who  
36    signed the voluntary declaration as the child's father in an  
37    action to determine the existence or nonexistence of the  
38    father and child relationship pursuant to Section 7630 or  
39    in any action to establish an order for child custody,

1 visitation, or child support based upon the voluntary  
2 declaration of paternity.

3 (3) The notice of motion for blood tests pursuant to  
4 this section shall be supported by a declaration under oath  
5 submitted by the moving party stating the factual basis  
6 for putting the issue of paternity before the court.

7 (c) (1) Nothing in this chapter shall be construed to  
8 prejudice or bar the rights of either parent to file an  
9 action or motion to set aside the voluntary declaration of  
10 paternity on any of the grounds described in, and within  
11 the time limits specified in, Section 473 of the Code of  
12 Civil Procedure and Chapter 10 (commencing with  
13 Section 2120) of Part 1 of Division 6. If the action or  
14 motion to set aside the voluntary declaration of paternity  
15 is for fraud or perjury, the act must have induced the  
16 defrauded parent to sign the voluntary declaration of  
17 paternity. If the action or motion to set aside a judgment  
18 is required to be filed within a specified time period  
19 under Section 473 of the Code of Civil Procedure or  
20 Section 2122, the period within which the action or  
21 motion to set aside the voluntary declaration of paternity  
22 must be filed shall commence on the date that the court  
23 makes a finding of paternity based upon the voluntary  
24 declaration of paternity in an action for custody,  
25 visitation, or child support.

26 (2) The parent seeking to set aside the voluntary  
27 declaration of paternity shall have the burden of proof.

28 (3) Any order for custody, visitation, or child support  
29 shall remain in effect until the court determines that the  
30 voluntary declaration of paternity should be set aside,  
31 subject to the court's power to modify the orders as  
32 otherwise provided by law.

33 (4) Nothing in this section is intended to restrict a  
34 court from acting as a court of equity.

35 (5) If the voluntary declaration of paternity is set aside  
36 pursuant to paragraph (1), the court shall order that the  
37 mother, child, and alleged father submit to blood or  
38 genetic tests pursuant to Chapter 2 (commencing with  
39 Section 7550). If the court finds that the conclusions of all  
40 the experts, as disclosed by the evidence based upon the

1 blood or genetic tests, are that the person who executed  
2 the voluntary declaration of paternity is not the father of  
3 the child, the question of paternity shall be resolved  
4 accordingly. If the person who executed the declaration  
5 as the father of the child is not excluded as a possible  
6 father, the question of paternity shall be resolved as  
7 otherwise provided by law. If the person who executed  
8 the declaration of paternity is ultimately determined to  
9 be the father of the child, any child support that accrued  
10 under an order based upon the voluntary declaration of  
11 paternity shall remain due and owing.

12 (6) The Judicial Council shall develop the forms and  
13 procedures necessary to effectuate this subdivision.

14 *SEC. 45. Section 7604.5 is added to the Family Code,*  
15 *to read:*

16 *7604.5. Notwithstanding any other provision of law,*  
17 *bills for pregnancy, childbirth, and genetic testing shall*  
18 *be admissible as evidence without third-party foundation*  
19 *testimony and shall constitute prima facie evidence of*  
20 *costs incurred for those services.*

21 *SEC. 46. Section 10005 of the Family Code is amended*  
22 *to read:*

23 10005. (a) By local rule, the superior court may  
24 designate additional duties of the family law facilitator,  
25 which may include, but are not limited to, the following:

26 (1) Meeting with litigants to mediate issues of child  
27 support, spousal support, and maintenance of health  
28 insurance, subject to Section 10012. Actions in which one  
29 or both of the parties are unrepresented by counsel shall  
30 have priority.

31 (2) Drafting stipulations to include all issues agreed to  
32 by the parties, which may include issues other than those  
33 specified in Section 10003.

34 (3) If the parties are unable to resolve issues with the  
35 assistance of the family law facilitator, prior to or at the  
36 hearing, and at the request of the court, the family law  
37 facilitator shall review the paperwork, examine  
38 documents, prepare support schedules, and advise the  
39 judge whether or not the matter is ready to proceed.

40 (4) Assisting the clerk in maintaining records.

1 (5) Preparing formal orders consistent with the court's  
2 announced order in cases where both parties are  
3 unrepresented.

4 (6) Serving as a special master in proceedings and  
5 making findings to the court unless he or she has served  
6 as a mediator in that case.

7 (7) *Providing the services specified in Part 2.5*  
8 *(commencing with Section 3300) of Division 8. Except for*  
9 *the funding specifically designated for visitation*  
10 *programs pursuant to Section 669B of Title 42 of the*  
11 *United States Code, Title IV-D child support funds shall*  
12 *not be used to fund the services specified in Part 2.5*  
13 *(commencing with Section 3300) of Division 8.*

14 (b) If staff and other resources are available and the  
15 duties listed in subdivision (a) have been accomplished,  
16 the duties of the family law facilitator may also include  
17 the following:

18 (1) Assisting the court with research and any other  
19 responsibilities which will enable the court to be  
20 responsive to the litigants' needs.

21 (2) Developing programs for bar and community  
22 outreach through day and evening programs, videotapes,  
23 and other innovative means that will assist unrepresented  
24 and financially disadvantaged litigants in gaining  
25 meaningful access to family court. These programs shall  
26 specifically include information concerning  
27 underutilized legislation, such as expedited child support  
28 orders (Chapter 5 (commencing with Section 3620) of  
29 Part 1 of Division 9), and preexisting, court-sponsored  
30 programs, such as supervised visitation and appointment  
31 of attorneys for children.

32 *SEC. 47. Section 102425 of the Health and Safety Code*  
33 *is amended to read:*

34 102425. (a) The certificate of live birth for any live  
35 birth occurring on or after January 1, 1980, shall contain  
36 those items necessary to establish the fact of the birth and  
37 shall contain only the following information:

38 (1) Full name and sex of child.

39 (2) Date of birth, including month, day, hour, and  
40 year.

1 (3) Planned place of birth and place of birth.

2 (4) Full name of father, birthplace, and date of birth  
3 of father including month, day, and year. If the ~~parents~~  
4 ~~are~~ *mother is* not married to ~~each other~~, the father's name  
5 shall not be listed on the birth certificate unless the father  
6 and the mother sign a voluntary declaration of paternity  
7 at the hospital before the birth certificate is prepared.  
8 The birth certificate may be amended to add the father's  
9 name at a later date only if paternity for the child has been  
10 established by a judgment of a court of competent  
11 jurisdiction or by the filing of a voluntary declaration of  
12 paternity.

13 (5) Full birth name of mother, birthplace, and date of  
14 birth of mother including month, day, and year.

15 (6) Multiple births and birth order of multiple births.

16 (7) Signature, and relationship to child, of a parent or  
17 other informant, and date signed.

18 (8) Name, title, and mailing address of attending  
19 physician and surgeon or principal attendant, signature,  
20 and certification of live birth by attending physician and  
21 surgeon or principal attendant or certifier, date signed,  
22 and name and title of certifier if other than attending  
23 physician and surgeon or principal attendant.

24 (9) Date accepted for registration and signature of  
25 local registrar.

26 (10) A state birth certificate number and local  
27 registration district and number.

28 (11) A blank space for entry of date of death with a  
29 caption reading "Date of Death."

30 (b) In addition to the items listed in subdivision (a),  
31 the certificate of live birth shall contain the following  
32 medical and social information, provided that the  
33 information is kept confidential pursuant to Sections  
34 102430 and 102447 and is clearly labeled "Confidential  
35 Information for Public Health Use Only:"

36 (1) Birth weight.

37 (2) Pregnancy history.

38 (3) Race and ethnicity of mother and father.

39 (4) Residence address of mother.

1 (5) A blank space for entry of census tract for mother's  
2 address.

3 (6) Month prenatal care began and number of  
4 prenatal visits.

5 (7) Date of last normal menses.

6 (8) Description of complications of pregnancy and  
7 concurrent illnesses, congenital malformation, and any  
8 complication of labor and delivery, including surgery;  
9 provided that this information is essential medical  
10 information and appears in total on the face of the  
11 certificate.

12 (9) Mother's and father's occupations and kind of  
13 business or industry.

14 (10) Education level of mother and father.

15 (11) Principal source of pay for prenatal care, which  
16 shall include all of the following: Medi-Cal, health  
17 maintenance organization or prepaid health plan, private  
18 insurance companies, medically indigent, self-pay, other  
19 sources which shall include, Medicare, workers'  
20 compensation, Title V, other government or  
21 nongovernment programs, no charge, and other  
22 categories as determined by the State Department of  
23 Health Services.

24 This paragraph shall become inoperative on January 1,  
25 1999, or on the implementation date of the decennial  
26 birth certificate revision due to occur on or about January  
27 1, 1999, whichever occurs first.

28 (12) Expected principal source of pay for delivery,  
29 which shall include all of the following: Medi-Cal, health  
30 maintenance organization or prepaid health plan, private  
31 insurance companies, medically indigent, self-pay, other  
32 sources which shall include, Medicare, workers'  
33 compensation, Title V, other government or  
34 nongovernment programs, no charge, and other  
35 categories as determined by the State Department of  
36 Health Services.

37 This paragraph shall become inoperative on January 1,  
38 1999, or on the implementation date of the decennial  
39 birth certificate revision due to occur on or about January  
40 1, 1999, whichever occurs first.

1 (13) An indication of whether or not the child's parent  
2 desires the automatic issuance of a Social Security  
3 number to the child.

4 (14) On and after January 1, 1995, the Social Security  
5 numbers of the mother and father, unless subdivision (b)  
6 of Section 102150 applies.

7 (c) Item 8, specified in subdivision (b), shall be  
8 completed by the attending physician and surgeon or the  
9 attending physician's and surgeon's designated  
10 representative. The names and addresses of children  
11 born with congenital malformations, who require  
12 followup treatment, as determined by the child's  
13 physician and surgeon, shall be furnished by the physician  
14 and surgeon to the local health officer, if permission is  
15 granted by either parent of the child.

16 (d) The parent shall only be asked to sign the form  
17 after both the public portion and the confidential medical  
18 and social information items have been entered upon the  
19 certificate of live birth.

20 (e) The State Registrar shall instruct all local registrars  
21 to collect the information specified in this section with  
22 respect to certificates of live birth. The information shall  
23 be transcribed on the certificate of live birth in use at the  
24 time and shall be limited to the information specified in  
25 this section.

26 Information relating to concurrent illnesses,  
27 complications of pregnancy and delivery, and congenital  
28 malformations shall be completed by the physician and  
29 surgeon, or physician's and surgeon's designee, inserting  
30 in the space provided on the confidential portion of the  
31 certificate the appropriate number or numbers listed on  
32 the VS-10A supplemental worksheet. The VS-10A  
33 supplemental form shall be used as a worksheet only and  
34 shall not in any manner be linked with the identity of the  
35 child or the mother, nor submitted with the certificate to  
36 the State Registrar. All information transferred from the  
37 worksheet to the certificate shall be fully explained to the  
38 parent or other informant prior to the signing of the  
39 certificate. No questions relating to drug or alcohol abuse  
40 may be asked.

(f) If the implementation date of the decennial birth certificate revision occurs prior to January 1, 1999, within 30 days of this implementation date the State Department of Health Services shall file a letter with the Secretary of the Senate and with the Chief Clerk of the Assembly, so certifying.

SEC. 48. Section 19271.5 is added to the Revenue and Taxation Code, to read:

19271.5. (a) A county district attorney enforcing child support obligations pursuant to Section 11475.1 of the Welfare and Institutions Code may refer child support obligations to the Franchise Tax Board to collect child support payments that are not child support delinquencies, as defined in this article, or past due amounts. If a child support obligation becomes a child support delinquency during the time the Franchise Tax Board is administering wage withholding, then the Franchise Tax Board shall commence collection of the delinquency pursuant to Section 19271.

(1) Referrals shall be transmitted in the form and manner prescribed by the Franchise Tax Board.

(2) In order to manage the growth in the number of referrals that it will receive, the Franchise Tax Board may phase in the referrals as administratively necessary.

(b) When a child support obligation is referred to the Franchise Tax Board pursuant to subdivision (a), or at any time thereafter, if the obligated parent owes a delinquent personal income tax liability, the Franchise Tax Board shall not engage in, or shall cease, collection of the child support obligation referred under subdivision (a) until the delinquent personal income tax liability is paid in full. However, the Franchise Tax Board may engage in collection of an obligation referred under subdivision (a) under either of the following circumstances:

(1) The delinquent personal income tax liability is discharged from accountability pursuant to Section 13940 of the Government Code.

(2) The obligor has entered into an installment payment agreement for the delinquent personal income

1 tax liability and is in compliance with that agreement and  
2 the Franchise Tax Board determines that collection of the  
3 child support obligation referred under subdivision (a)  
4 would not jeopardize the payments under the terms of  
5 the agreement.

6 (c) For purposes of administering subdivision (b):

7 (1) “Collection of child support obligation” means  
8 administering wage withholding pursuant to Chapter 8  
9 (commencing with Section 5200) of Part 5 of Division 9  
10 of the Family Code or Section 3088 of the Probate Code,  
11 that requires an employer to withhold earnings for  
12 support.

13 (2) “Delinquent personal income tax liability” means  
14 any taxes, additions to tax, penalties, interest, fees, or  
15 other related amounts due and payable under Part 10  
16 (commencing with Section 17001) or this part.

17 (d) Any services or information available to a district  
18 attorney or the Title IV-D agency in collecting child  
19 support obligations or locating absent or noncustodial  
20 parents shall be available to the Franchise Tax Board for  
21 purposes of collecting child support obligations under this  
22 section, including, but not limited to, any information  
23 that may be disclosed by the Franchise Tax Board to the  
24 California Parent Locator Service under Section 19548.

25 ~~SEC. 3. Section 11475.1a~~

26 *SEC. 49. Section 11350.1 of the Welfare and*  
27 *Institutions Code is amended to read:*

28 11350.1. (a) Notwithstanding any other statute, in  
29 any action brought by the district attorney for the support  
30 of a minor child or children, the action may be prosecuted  
31 in the name of the county on behalf of the child, children,  
32 or a parent of the child or children. The parent who has  
33 requested or is receiving support enforcement services of  
34 the district attorney shall not be a necessary party to the  
35 action but may be subpoenaed as a witness. Except as  
36 provided in subdivision (e), in an action under this  
37 section there shall be no joinder of actions, or  
38 coordination of actions, or cross-complaints, and the  
39 issues shall be limited strictly to the question of parentage,  
40 if applicable, and child support, including an order for

1 medical support. A final determination of parentage may  
2 be made in any action under this section as an incident to  
3 obtaining an order for support. An action for support or  
4 parentage pursuant to this section shall not be delayed or  
5 stayed because of the pendency of any other action  
6 between the parties.

7 (b) Judgment in an action brought pursuant to this  
8 section, and in an action brought pursuant to Section  
9 11350, if at issue, may be rendered pursuant to a noticed  
10 motion, which shall inform the defendant that in order to  
11 exercise his or her right to trial, he or she must appear at  
12 the hearing on the motion.

13 If the defendant appears at the hearing on the motion,  
14 the court shall inquire of him or her if he or she desires  
15 to subpoena evidence and witnesses, if parentage is at  
16 issue and genetic tests have not already been conducted  
17 whether he or she desires blood tests, and if he or she  
18 desires a trial. If his or her answer is in the affirmative, a  
19 continuance shall be granted to allow him or her to  
20 exercise those rights. A continuance shall not postpone  
21 the hearing to more than 90 days from the date of service  
22 of the motion. In the event that a continuance is granted,  
23 the court may make an order for temporary support  
24 without prejudice to the right of the court to make an  
25 order for temporary support as otherwise allowed by law.

26 (c) In any action to enforce a spousal support order the  
27 action may be pled in the name of the county in the same  
28 manner as an action to establish a child support  
29 obligation. The same restrictions on joinder of actions,  
30 coordination of actions, and cross-complaints, and delay  
31 because of the pendency of any other action as relates to  
32 actions to establish a child support obligation shall also  
33 apply to actions to enforce a spousal support order.

34 (d) Nothing contained in this section shall be  
35 construed to prevent the parties from bringing an  
36 independent action under the Family Code or otherwise,  
37 and litigating the ~~issue~~ *issues* of support, *custody*,  
38 *visitation, or protective orders*. In that event, the court in  
39 those proceedings shall make an independent  
40 determination on the ~~issue~~ *issues* of support, *custody*,

1 *visitation, or protective orders which shall supersede the*  
2 *support order made pursuant to this section. To the*  
3 *extent that the orders conflict, the court order last issued*  
4 *shall supersede all other orders.*

5 (e) (1) After a support order, including a temporary  
6 support order and an order for medical support only, has  
7 been entered in an action brought pursuant to this  
8 section, the parent who has requested or is receiving  
9 support enforcement services of the district attorney shall  
10 become a party to the action brought pursuant to this  
11 section, only in the manner and to the extent provided by  
12 this section, and only for the purposes allowed by this  
13 section.

14 (2) Notice of the parent's status as a party shall be  
15 given to the parent by the district attorney in conjunction  
16 with the notice required by subdivision (e) of Section  
17 11478.2. The complaint shall contain this notice. Service  
18 of the complaint on the parent in compliance with  
19 Section 1013 of the Code of Civil Procedure, or as  
20 otherwise provided by law, shall constitute compliance  
21 with this section. *In all actions commenced under the*  
22 *procedures and forms in effect on December 31, 1996, the*  
23 *parent who has requested or is receiving support*  
24 *enforcement services of the district attorney shall not*  
25 *become a party to the action until he or she is joined as*  
26 *a party pursuant to an ex parte application or noticed*  
27 *motion for joinder filed by the district attorney or a*  
28 *noticed motion filed by either parent. The district*  
29 *attorney shall serve a copy of any order for joinder of a*  
30 *parent obtained by the district attorney's application on*  
31 *both parents in compliance with Section 1013 of the Code*  
32 *of Civil Procedure.*

33 (3) The parent who has requested or is receiving  
34 support enforcement services of the district attorney is a  
35 party to an action brought under this section for issues  
36 relating to the support, custody, and visitation of a child,  
37 and for restraining orders, and for no other purpose. The  
38 district attorney shall not be required to serve or receive  
39 service of papers, pleadings, or documents, or participate  
40 in, or attend any hearing or proceeding relating to issues

1 of custody or visitation, except as otherwise required by  
2 law. Orders concerning custody and visitation may be  
3 made in an action pursuant to this subdivision only if  
4 orders concerning custody and visitation have not been  
5 previously made by a court of competent jurisdiction in  
6 this state or another state and the court has jurisdiction  
7 and is the proper venue for custody and visitation  
8 determinations. All issues regarding custody and  
9 visitation shall be heard and resolved in the manner  
10 provided by the Family Code. Except as otherwise  
11 provided by law, the district attorney shall control  
12 support and parentage litigation brought pursuant to this  
13 section, and the manner, method, and procedures used in  
14 establishing parentage and in establishing and enforcing  
15 support obligations unless and until the parent who  
16 requested or is receiving support enforcement services  
17 has requested in writing that the district attorney close his  
18 or her case and the case has been closed in accordance  
19 with federal regulation.

20 (f) (1) A parent who has requested or is receiving  
21 support enforcement services of the district attorney may  
22 take independent action to modify a support order made  
23 pursuant to this section while support enforcement  
24 services are being provided by the district attorney. The  
25 parent shall serve the district attorney with notice of any  
26 action filed to modify the support order and provide the  
27 district attorney with a copy of the modified order within  
28 15 calendar days after the date the order is issued.

29 (2) A parent who has requested or is receiving support  
30 enforcement services of the district attorney may take  
31 independent action to enforce a support order made  
32 pursuant to this section while support enforcement  
33 services are being provided by the district attorney with  
34 the written consent of the district attorney. At least 30  
35 days prior to filing an independent enforcement action,  
36 the parent shall provide the district attorney with written  
37 notice of the parent's intent to file an enforcement action  
38 which includes a description of the type of enforcement  
39 action the parent intends to file. Within 30 days of  
40 receiving the notice, the district attorney shall either

1 provide written consent for the parent to proceed with  
2 the independent enforcement action or notify the parent  
3 that he or she objects to the parent filing the proposed  
4 independent enforcement action. The district attorney  
5 may object only if the district attorney is currently using  
6 an administrative or judicial method to enforce the  
7 support obligation or if the proposed independent  
8 enforcement action would interfere with an investigation  
9 being conducted by the district attorney. If the district  
10 attorney does not respond to the parent's written notice  
11 within 30 days, the district attorney shall be deemed to  
12 have given consent.

13 (3) The court shall order that all payments of support  
14 shall be made to the district attorney in any action filed  
15 under this section by the parent who has requested, or is  
16 receiving, support enforcement services of the district  
17 attorney unless support enforcement services have been  
18 terminated by the district attorney by case closure as  
19 provided by federal law. Any order obtained by a parent  
20 prior to support enforcement services being terminated  
21 in which the district attorney did not receive proper  
22 notice pursuant to this section shall be voidable upon the  
23 motion of the district attorney.

24 (g) The Judicial Council shall prepare the notice  
25 required by subdivision (e).

26 *SEC. 50. Section 11350.6 of the Welfare and*  
27 *Institutions Code is amended to read:*

28 11350.6. (a) As used in this section:

29 (1) "Applicant" means any person applying for  
30 issuance or renewal of a license.

31 (2) "Board" means any entity specified in Section 101  
32 of the Business and Professions Code, the entities referred  
33 to in Sections 1000 and 3600 of the Business and  
34 Professions Code, the State Bar, the Department of Real  
35 Estate, the Department of Motor Vehicles, the Secretary  
36 of State, the Department of Fish and Game, and any other  
37 state commission, department, committee, examiner, or  
38 agency that issues a license, certificate, credential,  
39 permit, registration, or any other authorization to engage  
40 in a business, occupation, or profession, *or to the extent*

1 *required by federal law or regulations, for recreational*  
2 *purposes.* This term includes all boards, commissions,  
3 departments, committees, examiners, entities, and  
4 agencies that issue a license, certificate, credential,  
5 permit, registration, or any other authorization to engage  
6 in a business, occupation, or profession. The failure to  
7 specifically name a particular board, commission,  
8 department, committee, examiner, entity, or agency that  
9 issues a license, certificate, credential, permit,  
10 registration, or any other authorization to engage in a  
11 business, occupation, or profession does not exclude that  
12 board, commission, department, committee, examiner,  
13 entity, or agency from this term.

14 (3) “Certified list” means a list provided by the district  
15 attorney to the State Department of Social Services in  
16 which the district attorney verifies, under penalty of  
17 perjury, that the names contained therein are support  
18 obligors found to be out of compliance with a judgment  
19 or order for support in a case being enforced under Title  
20 IV-D of the Social Security Act.

21 (4) “Compliance with a judgment or order for  
22 support” means that, as set forth in a judgment or order  
23 for child or family support, the obligor is no more than 30  
24 calendar days in arrears in making payments in full for  
25 current support, in making periodic payments in full,  
26 whether court ordered or by agreement with the district  
27 attorney, on a support arrearage, or in making periodic  
28 payments in full, whether court ordered or by agreement  
29 with the district attorney, on a judgment for  
30 reimbursement for public assistance, or has obtained a  
31 judicial finding that equitable estoppel as provided in  
32 statute or case law precludes enforcement of the order.  
33 The district attorney is authorized to use this section to  
34 enforce orders for spousal support only when the district  
35 attorney is also enforcing a related child support  
36 obligation owed to the obligee parent by the same  
37 obligor, pursuant to Sections 11475.1 and 11475.2.

38 (5) “License” includes membership in the State Bar,  
39 and a certificate, credential, permit, registration, or any  
40 other authorization issued by a board that allows a person

1 to engage in a business, occupation, or profession, or to  
2 operate a commercial motor vehicle, including  
3 appointment and commission by the Secretary of State as  
4 a notary public. “License” also includes any driver’s  
5 license issued by the Department of Motor Vehicles, ~~and~~  
6 any commercial fishing license issued by the Department  
7 of Fish and Game, *and to the extent required by federal*  
8 *law or regulations, any license used for recreational*  
9 *purposes*. This term includes all licenses, certificates,  
10 credentials, permits, registrations, or any other  
11 authorization issued by a board that allows a person to  
12 engage in a business, occupation, or profession. The  
13 failure to specifically name a particular type of license,  
14 certificate, credential, permit, registration, or other  
15 authorization issued by a board that allows a person to  
16 engage in a business, occupation, or profession, does not  
17 exclude that license, certificate, credential, permit,  
18 registration, or other authorization from this term.

19 (6) “Licensee” means any person holding a license,  
20 certificate, credential, permit, registration, or other  
21 authorization issued by a board, to engage in a business,  
22 occupation, or profession, or a commercial driver’s  
23 license as defined in Section 15210 of the Vehicle Code,  
24 including an appointment and commission by the  
25 Secretary of State as a notary public. “Licensee” also  
26 means any person holding a driver’s license issued by the  
27 Department of Motor Vehicles ~~and~~, any person holding  
28 a commercial fishing license issued by the Department of  
29 Fish and Game, *and to the extent required by federal law*  
30 *or regulations, any person holding a license used for*  
31 *recreational purposes*. This term includes all persons  
32 holding a license, certificate, credential, permit,  
33 registration, or any other authorization to engage in a  
34 business, occupation, or profession, and the failure to  
35 specifically name a particular type of license, certificate,  
36 credential, permit, registration, or other authorization  
37 issued by a board does not exclude that person from this  
38 term.

39 (b) The district attorney shall maintain a list of those  
40 persons included in a case being enforced under Title

1 IV-D of the Social Security Act against whom a support  
2 order or judgment has been rendered by, or registered in,  
3 a court of this state, and who are not in compliance with  
4 that order or judgment. The district attorney shall submit  
5 a certified list with the names, social security numbers,  
6 and last known addresses of these persons and the name,  
7 address, and telephone number of the district attorney  
8 who certified the list to the State Department of Social  
9 Services. The district attorney shall verify, under penalty  
10 of perjury, that the persons listed are subject to an order  
11 or judgment for the payment of support and that these  
12 persons are not in compliance with the order or  
13 judgment. The district attorney shall submit to the State  
14 Department of Social Services an updated certified list on  
15 a monthly basis.

16 (c) The State Department of Social Services shall  
17 consolidate the certified lists received from the district  
18 attorneys and, within 30 calendar days of receipt, shall  
19 provide a copy of the consolidated list to each board  
20 which is responsible for the regulation of licenses, as  
21 specified in this section.

22 (d) On or before November 1, 1992, or as soon  
23 thereafter as economically feasible, as determined by the  
24 State Department of Social Services, all boards subject to  
25 this section shall implement procedures to accept and  
26 process the list provided by the State Department of  
27 Social Services, in accordance with this section.  
28 *Notwithstanding any other provision of law, all boards*  
29 *shall collect social security numbers from all applicants*  
30 *for the purposes of matching the names of the certified*  
31 *list provided by the State Department of Social Services*  
32 *to applicants and licensees and of responding to requests*  
33 *for this information made by child support agencies.*

34 (e) (1) Promptly after receiving the certified  
35 consolidated list from the State Department of Social  
36 Services, and prior to the issuance or renewal of a license,  
37 each board shall determine whether the applicant is on  
38 the most recent certified consolidated list provided by the  
39 State Department of Social Services. The board shall have

1 the authority to withhold issuance or renewal of the  
2 license of any applicant on the list.

3 (2) If an applicant is on the list, the board shall  
4 immediately serve notice as specified in subdivision (f)  
5 on the applicant of the board's intent to withhold issuance  
6 or renewal of the license. The notice shall be made  
7 personally or by mail to the applicant's last known mailing  
8 address on file with the board. Service by mail shall be  
9 complete in accordance with Section 1013 of the Code of  
10 Civil Procedure.

11 (A) The board shall issue a temporary license valid for  
12 a period of 150 days to any applicant whose name is on the  
13 certified list if the applicant is otherwise eligible for a  
14 license.

15 (B) Except as provided in subparagraph (D), the  
16 150-day time period for a temporary license shall not be  
17 extended. Except as provided in subparagraph (D), only  
18 one temporary license shall be issued during a regular  
19 license term and it shall coincide with the first 150 days  
20 of that license term. As this paragraph applies to  
21 commercial driver's licenses, "license term" shall be  
22 deemed to be 12 months from the date the application fee  
23 is received by the Department of Motor Vehicles. A  
24 license for the full or remainder of the license term shall  
25 be issued or renewed only upon compliance with this  
26 section.

27 (C) In the event that a license or application for a  
28 license or the renewal of a license is denied pursuant to  
29 this section, any funds paid by the applicant or licensee  
30 shall not be refunded by the board.

31 (D) This paragraph shall apply only in the case of a  
32 driver's license, other than a commercial driver's license.  
33 Upon the request of the district attorney or by order of  
34 the court upon a showing of good cause, the board shall  
35 extend a 150-day temporary license for a period not to  
36 exceed 150 extra days.

37 (3) (A) The State Department of Social Services may,  
38 when it is economically feasible for the department and  
39 the boards to do so as determined by the department, in  
40 cases where the department is aware that certain child

1 support obligors listed on the certified lists have been out  
2 of compliance with a judgment or order for support for  
3 more than four months, provide a supplemental list of  
4 these obligors to each board with which the department  
5 has an interagency agreement to implement this  
6 paragraph. Upon request by the department, the licenses  
7 of these obligors shall be subject to suspension, provided  
8 that the licenses would not otherwise be eligible for  
9 renewal within six months from the date of the request by  
10 the department. The board shall have the authority to  
11 suspend the license of any licensee on this supplemental  
12 list.

13 (B) If a licensee is on a supplemental list, the board  
14 shall immediately serve notice as specified in subdivision  
15 (f) on the licensee that his or her license will be  
16 automatically suspended 150 days after notice is served,  
17 unless compliance with this section is achieved. The  
18 notice shall be made personally or by mail to the licensee's  
19 last known mailing address on file with the board. Service  
20 by mail shall be complete in accordance with Section 1013  
21 of the Code of Civil Procedure.

22 (C) The 150-day notice period shall not be extended.

23 (D) In the event that any license is suspended  
24 pursuant to this section, any funds paid by the licensee  
25 shall not be refunded by the board.

26 (E) This paragraph shall not apply to licenses subject  
27 to annual renewal or annual fee.

28 (f) Notices shall be developed by each board in  
29 accordance with guidelines provided by the State  
30 Department of Social Services and subject to approval by  
31 the State Department of Social Services. The notice shall  
32 include the address and telephone number of the district  
33 attorney who submitted the name on the certified list,  
34 and shall emphasize the necessity of obtaining a release  
35 from that district attorney's office as a condition for the  
36 issuance, renewal, or continued valid status of a license or  
37 licenses.

38 (1) In the case of applicants not subject to paragraph  
39 (3) of subdivision (e), the notice shall inform the  
40 applicant that the board shall issue a temporary license,

1 as provided in subparagraph (A) of paragraph (2) of  
2 subdivision (e), for 150 calendar days if the applicant is  
3 otherwise eligible and that upon expiration of that time  
4 period the license will be denied unless the board has  
5 received a release from the district attorney who  
6 submitted the name on the certified list.

7 (2) In the case of licensees named on a supplemental  
8 list, the notice shall inform the licensee that his or her  
9 license will continue in its existing status for no more than  
10 150 calendar days from the date of mailing or service of  
11 the notice and thereafter will be suspended indefinitely  
12 unless, during the 150-day notice period, the board has  
13 received a release from the district attorney who  
14 submitted the name on the certified list. Additionally, the  
15 notice shall inform the licensee that any license  
16 suspended under this section will remain so until the  
17 expiration of the remaining license term, unless the board  
18 receives a release along with applications and fees, if  
19 applicable, to reinstate the license during the license  
20 term.

21 (3) The notice shall also inform the applicant or  
22 licensee that if an application is denied or a license is  
23 suspended pursuant to this section, any funds paid by the  
24 applicant or licensee shall not be refunded by the board.  
25 The State Department of Social Services shall also  
26 develop a form that the applicant shall use to request a  
27 review by the district attorney. A copy of this form shall  
28 be included with every notice sent pursuant to this  
29 subdivision.

30 (g) (1) Each district attorney shall maintain review  
31 procedures consistent with this section to allow an  
32 applicant to have the underlying arrearage and any  
33 relevant defenses investigated, to provide an applicant  
34 information on the process of obtaining a modification of  
35 a support order, or to provide an applicant assistance in  
36 the establishment of a payment schedule on arrearages if  
37 the circumstances so warrant.

38 (2) It is the intent of the Legislature that a court or  
39 district attorney, when determining an appropriate  
40 payment schedule for arrearages, base its decision on the

1 facts of the particular case and the priority of payment of  
2 child support over other debts. The payment schedule  
3 shall also recognize that certain expenses may be essential  
4 to enable an obligor to be employed. Therefore, in  
5 reaching its decision, the court or the district attorney  
6 shall consider both of these goals in setting a payment  
7 schedule for arrearages.

8 (h) If the applicant wishes to challenge the submission  
9 of his or her name on the certified list, the applicant shall  
10 make a timely written request for review on the form  
11 specified in subdivision (f) to the district attorney who  
12 certified the applicant's name. The district attorney shall,  
13 within 75 days of receipt of the written request, inform  
14 the applicant in writing of his or her findings upon  
15 completion of the review. The district attorney shall  
16 immediately send a release to the appropriate board and  
17 the applicant, if any of the following conditions are met:

18 (1) The applicant is found to be in compliance or  
19 negotiates an agreement with the district attorney for a  
20 payment schedule on arrearages or reimbursement.

21 (2) The applicant has submitted a request for review,  
22 but the district attorney will be unable to complete the  
23 review and send notice of his or her findings to the  
24 applicant within 75 days. This paragraph applies only if  
25 the delay in completing the review process is not the  
26 result of the applicant's failure to act in a reasonable,  
27 timely, and diligent manner upon receiving notice from  
28 the board that his or her name is on the list.

29 (3) The applicant has filed and served a request for  
30 judicial review pursuant to this section, but a resolution  
31 of that review will not be made within 150 days of the date  
32 of service of notice pursuant to subdivision (f). This  
33 paragraph applies only if the delay in completing the  
34 judicial review process is not the result of the applicant's  
35 failure to act in a reasonable, timely, and diligent manner  
36 upon receiving the district attorney's notice of his or her  
37 findings.

38 (4) The applicant has obtained a judicial finding of  
39 compliance as defined in this section.

1 (i) An applicant is required to act with diligence in  
2 responding to notices from the board and the district  
3 attorney with the recognition that the temporary license  
4 will lapse or the license suspension will go into effect after  
5 150 days and that the district attorney and, where  
6 appropriate, the court must have time to act within that  
7 period. An applicant's delay in acting, without good  
8 cause, which directly results in the inability of the district  
9 attorney to complete a review of the applicant's request  
10 or the court to hear the request for judicial review within  
11 the 150-day period shall not constitute the diligence  
12 required under this section which would justify the  
13 issuance of a release.

14 (j) Except as otherwise provided in this section, the  
15 district attorney shall not issue a release if the applicant  
16 is not in compliance with the judgment or order for  
17 support. The district attorney shall notify the applicant in  
18 writing that the applicant may, by filing an order to show  
19 cause or notice of motion, request any or all of the  
20 following:

21 (1) Judicial review of the district attorney's decision  
22 not to issue a release.

23 (2) A judicial determination of compliance.

24 (3) A modification of the support judgment or order.

25 The notice shall also contain the name and address of  
26 the court in which the applicant shall file the order to  
27 show cause or notice of motion and inform the applicant  
28 that his or her name shall remain on the certified list if the  
29 applicant does not timely request judicial review. The  
30 applicant shall comply with all statutes and rules of court  
31 regarding orders to show cause and notices of motion.

32 Nothing in this section shall be deemed to limit an  
33 applicant from filing an order to show cause or notice of  
34 motion to modify a support judgment or order or to fix a  
35 payment schedule on arrearages accruing under a  
36 support judgment or order or to obtain a court finding of  
37 compliance with a judgment or order for support.

38 (k) The request for judicial review of the district  
39 attorney's decision shall state the grounds for which  
40 review is requested and judicial review shall be limited to

1 those stated grounds. The court shall hold an evidentiary  
2 hearing within 20 calendar days of the filing of the request  
3 for review. Judicial review of the district attorney's  
4 decision shall be limited to a determination of each of the  
5 following issues:

6 (1) Whether there is a support judgment, order, or  
7 payment schedule on arrearages or reimbursement.

8 (2) Whether the petitioner is the obligor covered by  
9 the support judgment or order.

10 (3) Whether the support obligor is or is not in  
11 compliance with the judgment or order of support.

12 (4) The extent to which the needs of the obligor,  
13 taking into account the obligor's payment history and the  
14 current circumstances of both the obligor and the  
15 obligee, warrant a conditional release as described in this  
16 subdivision.

17 The request for judicial review shall be served by the  
18 applicant upon the district attorney who submitted the  
19 applicant's name on the certified list within seven  
20 calendar days of the filing of the petition. The court has  
21 the authority to uphold the action, unconditionally  
22 release the license, or conditionally release the license.

23 If the judicial review results in a finding by the court  
24 that the obligor is in compliance with the judgment or  
25 order for support, the district attorney shall immediately  
26 send a release in accordance with subdivision (h) to the  
27 appropriate board and the applicant. If the judicial  
28 review results in a finding by the court that the needs of  
29 the obligor warrant a conditional release, the court shall  
30 make findings of fact stating the basis for the release and  
31 the payment necessary to satisfy the unrestricted  
32 issuance or renewal of the license without prejudice to a  
33 later judicial determination of the amount of support  
34 arrearages, including interest, and shall specify payment  
35 terms, compliance with which are necessary to allow the  
36 release to remain in effect.

37 (l) The State Department of Social Services shall  
38 prescribe release forms for use by district attorneys.  
39 When the obligor is in compliance, the district attorney  
40 shall mail to the applicant and the appropriate board a

1 release stating that the applicant is in compliance. The  
2 receipt of a release shall serve to notify the applicant and  
3 the board that, for the purposes of this section, the  
4 applicant is in compliance with the judgment or order for  
5 support.

6 If the district attorney determines subsequent to the  
7 issuance of a release that the applicant is once again not  
8 in compliance with a judgment or order for support, or  
9 with the terms of repayment as described in this  
10 subdivision, the district attorney may notify the board,  
11 the obligor, and the State Department of Social Services  
12 in a format prescribed by the State Department of Social  
13 Services that the obligor is not in compliance.

14 The State Department of Social Services may, when it  
15 is economically feasible for the department and the  
16 boards to develop an automated process for complying  
17 with this subdivision, notify the boards in a manner  
18 prescribed by the department, that the obligor is once  
19 again not in compliance. Upon receipt of this notice, the  
20 board shall immediately notify the obligor on a form  
21 prescribed by the department that the obligor's license  
22 will be suspended on a specific date, and this date shall be  
23 no longer than 30 days from the date the form is mailed.  
24 The obligor shall be further notified that the license will  
25 remain suspended until a new release is issued in  
26 accordance with subdivision (h). Nothing in this section  
27 shall be deemed to limit the obligor from seeking judicial  
28 review of suspension pursuant to the procedures  
29 described in subdivision (k).

30 (m) The State Department of Social Services may  
31 enter into interagency agreements with the state  
32 agencies that have responsibility for the administration of  
33 boards necessary to implement this section, to the extent  
34 that it is cost-effective to implement this section. These  
35 agreements shall provide for the receipt by the other  
36 state agencies and boards of federal funds to cover that  
37 portion of costs allowable in federal law and regulation  
38 and incurred by the state agencies and boards in  
39 implementing this section. Notwithstanding any other  
40 provision of law, revenue generated by a board or state

1 agency shall be used to fund the nonfederal share of costs  
2 incurred pursuant to this section. These agreements shall  
3 provide that boards shall reimburse the State  
4 Department of Social Services for the nonfederal share of  
5 costs incurred by the department in implementing this  
6 section. The boards shall reimburse the State  
7 Department of Social Services for the nonfederal share of  
8 costs incurred pursuant to this section from moneys  
9 collected from applicants and licensees.

10 (n) Notwithstanding any other provision of law, in  
11 order for the boards subject to this section to be  
12 reimbursed for the costs incurred in administering its  
13 provisions, the boards may, with the approval of the  
14 appropriate department director, levy on all licensees  
15 and applicants a surcharge on any fee or fees collected  
16 pursuant to law, or, alternatively, with the approval of the  
17 appropriate department director, levy on the applicants  
18 or licensees named on a certified list or supplemental list,  
19 a special fee.

20 (o) The process described in subdivision (h) shall  
21 constitute the sole administrative remedy for contesting  
22 the issuance of a temporary license or the denial or  
23 suspension of a license under this section. The procedures  
24 specified in the administrative adjudication provisions of  
25 the Administrative Procedure Act (Chapter 4.5  
26 (commencing with Section 11400) and Chapter 5  
27 (commencing with Section 11500) of Part 1 of Division 3  
28 of Title 2 of the Government Code) shall not apply to the  
29 denial, suspension, or failure to issue or renew a license or  
30 the issuance of a temporary license pursuant to this  
31 section.

32 (p) In furtherance of the public policy of increasing  
33 child support enforcement and collections, on or before  
34 November 1, 1995, the State Department of Social  
35 Services shall make a report to the Legislature and the  
36 Governor based on data collected by the boards and the  
37 district attorneys in a format prescribed by the State  
38 Department of Social Services. The report shall contain  
39 all of the following:

1 (1) The number of delinquent obligors certified by  
2 district attorneys under this section.

3 (2) The number of support obligors who also were  
4 applicants or licensees subject to this section.

5 (3) The number of new licenses and renewals that  
6 were delayed, temporary licenses issued, and licenses  
7 suspended subject to this section and the number of new  
8 licenses and renewals granted and licenses reinstated  
9 following board receipt of releases as provided by  
10 subdivision (h) by May 1, 1995.

11 (4) The costs incurred in the implementation and  
12 enforcement of this section.

13 (q) Any board receiving an inquiry as to the licensed  
14 status of an applicant or licensee who has had a license  
15 denied or suspended under this section or has been  
16 granted a temporary license under this section shall  
17 respond only that the license was denied or suspended or  
18 the temporary license was issued pursuant to this section.  
19 Information collected pursuant to this section by any  
20 state agency, board, or department shall be subject to the  
21 Information Practices Act of 1977 (Chapter 1  
22 (commencing with Section 1798) of Title 1.8 of Part 4 of  
23 Division 3 of the Civil Code).

24 (r) Any rules and regulations issued pursuant to this  
25 section by any state agency, board, or department may be  
26 adopted as emergency regulations in accordance with the  
27 rulemaking provisions of the Administrative Procedure  
28 Act (Chapter 3.5 (commencing with Section 11340) of  
29 Part 1 of Division 3 of Title 2 of the Government Code).  
30 The adoption of these regulations shall be deemed an  
31 emergency and necessary for the immediate  
32 preservation of the public peace, health, and safety, or  
33 general welfare. The regulations shall become effective  
34 immediately upon filing with the Secretary of State.

35 (s) The State Department of Social Services and  
36 boards, as appropriate, shall adopt regulations necessary  
37 to implement this section.

38 (t) The Judicial Council shall develop the forms  
39 necessary to implement this section, except as provided  
40 in subdivisions (f) and (l).

1 (u) The release or other use of information received  
2 by a board pursuant to this section, except as authorized  
3 by this section, is punishable as a misdemeanor.

4 (v) The State Board of Equalization shall enter into  
5 interagency agreements with the State Department of  
6 Social Services and the Franchise Tax Board that will  
7 require the State Department of Social Services and the  
8 Franchise Tax Board to maximize the use of information  
9 collected by the State Board of Equalization, for child  
10 support enforcement purposes, to the extent it is  
11 cost-effective and permitted by the Revenue and  
12 Taxation Code.

13 (w) The suspension or revocation of any driver's  
14 license, including a commercial driver's license, under  
15 this section shall not subject the licensee to vehicle  
16 impoundment pursuant to Section 14602.6 of the Vehicle  
17 Code.

18 (x) If any provision of this section or the application  
19 thereof to any person or circumstance is held invalid, that  
20 invalidity shall not affect other provisions or applications  
21 of this section which can be given effect without the  
22 invalid provision or application, and to this end the  
23 provisions of this section are severable.

24 (y) All rights to administrative and judicial review  
25 afforded by this section to an applicant shall also be  
26 afforded to a licensee.

27 *SEC. 51. Section 11350.7 of the Welfare and*  
28 *Institutions Code is amended to read:*

29 11350.7. (a) Notwithstanding any other provision of  
30 law, if any support obligor is delinquent in the payment  
31 of support for at least 30 days and the district attorney is  
32 enforcing the support obligation pursuant to Section  
33 11475.1, the district attorney may ~~issue a warrant for the~~  
34 ~~collection of that support and may levy on and sell~~  
35 ~~vehicles and vessels as defined in the Vehicle Code, or~~  
36 ~~aircraft~~ *collect the delinquency or enforce any lien by*  
37 *levy served on all persons having in their possession, or*  
38 *who will have in their possession or under their control,*  
39 *any credits or personal property belonging to the*

1 *delinquent support obligor, or who owe any debt to the*  
2 *obligor at the time they receive the notice of levy.*

3 (b) A ~~warrant~~ levy may be issued by a district attorney  
4 for a support obligation which accrued under a court  
5 order or judgment if the obligor had notice of the accrued  
6 support arrearage as provided in this section, and did not  
7 make a timely request for review.

8 (c) The notice requirement shall be satisfied by the  
9 district attorney sending a statement of support  
10 arrearages to the obligor at the obligor's last known  
11 address by first-class mail, postage prepaid. The notice  
12 shall advise the obligor of the amount of the support  
13 arrearage. The notice shall advise the obligor that the  
14 obligor may have the arrearage determination reviewed  
15 by administrative procedures and state how such a  
16 review may be obtained. The notice shall also advise the  
17 obligor of his or her right to seek a judicial determination  
18 of arrearages pursuant to Section 11350.8 and shall  
19 include a form to be filed with the court to request a  
20 judicial determination of arrearages. If the obligor  
21 requests an administrative review of the arrearage  
22 determination within 20 days from the date the notice  
23 was mailed to the obligor, the district attorney shall  
24 review the assessment or determination and shall not  
25 issue the ~~warrant~~ levy for a disputed amount of support  
26 until the administrative review procedure is completed.

27 (d) If the obligor requests a judicial determination of  
28 the arrearages within 20 days from the date the notice was  
29 mailed to the obligor, the district attorney shall not issue  
30 the ~~warrant~~ levy for a disputed amount of support until  
31 the judicial determination is complete.

32 (e) *Any person upon whom a levy has been served*  
33 *having in his or her possession or under his or her control*  
34 *any credits or personal property belonging to the*  
35 *delinquent support obligor or owing any debts to the*  
36 *delinquent support obligor at the time of receipt of the*  
37 *levy or coming into his or her possession or under his or*  
38 *her control within one year of receipt of the notice of levy,*  
39 *shall surrender the credits or personal property to the*  
40 *district attorney or pay to the district attorney the*

1 amount of any debt owing the delinquent support obligor  
2 within 10 days of service of the levy, and shall surrender  
3 the credits or personal property, or the amount of any  
4 debt owing to the delinquent support obligor coming into  
5 his or her own possession or control within one year of  
6 receipt of the notice of levy within 10 days of the date of  
7 coming into possession or control of the credits or  
8 personal property or the amount of any debt owing to the  
9 delinquent support obligor.

10 (f) Any person who surrenders any credits or personal  
11 property or pays the debts owing the delinquent support  
12 obligor to the district attorney pursuant to this section  
13 shall be discharged from any obligation or liability to the  
14 delinquent support obligor to the extent of the amount  
15 paid to the district attorney as a result of the levy.

16 (g) If the levy is made on a deposit or credits or  
17 personal property in the possession or under the control  
18 of a bank, savings and loan association, or other financial  
19 institution as defined by Section 669a(d)(1) of Title 42 of  
20 the United States Code, the notice of levy may be  
21 delivered or mailed to a centralized location designated  
22 by the bank, savings and loan association, or other  
23 financial institution pursuant to Section 689.040 of the  
24 Code of Civil Procedure.

25 (h) Any person who is served with a levy pursuant to  
26 this section and who fails or refuses to surrender any  
27 credits or other personal property or pay any debts owing  
28 to the delinquent support obligor shall be liable in his or  
29 her own person or estate to the district attorney in an  
30 amount equal to the value of the credits or other personal  
31 property or in the amount of the levy, up to the amount  
32 specified in the levy.

33 (i) If any amount required to be paid pursuant to a  
34 levy under this section is not paid when due, the district  
35 attorney may issue a warrant for enforcement of any lien  
36 and for the collection of any amount required to be paid  
37 to the district attorney under this section. The warrant  
38 shall be directed to any sheriff, constable, marshal, or the  
39 Department of the California Highway Patrol and shall  
40 have the same force and effect as a writ of execution. The

1 warrant shall be levied and sale made pursuant to it in the  
2 manner and with the same force and effect as a levy and  
3 sale pursuant to a writ of execution. The district attorney  
4 may pay or advance to the levying officer the same fees,  
5 commissions, and expenses for his or her services under  
6 this section as are provided by law for similar services  
7 pursuant to a writ of execution, except for those fees and  
8 expenses for which the district attorney is exempt by law  
9 from paying. The district attorney, and not the court, shall  
10 approve the fees for publication in a newspaper.

11 ~~(f)~~

12 (j) The fees, commissions, expenses, and the  
13 reasonable costs associated with the sale of property  
14 levied upon by warrant *or* levy pursuant to this section,  
15 including, but not limited to, appraisers' fees, auctioneers'  
16 fees, and advertising fees are an obligation of the support  
17 obligor and may be collected from the obligor by virtue  
18 of the warrant *or* levy or in any other manner as though  
19 these items were support payments delinquent for at  
20 least 30 days.

21 *SEC. 52. Section 11356 of the Welfare and Institutions*  
22 *Code, as amended by Section 3 of Chapter 14 of the*  
23 *Statutes of 1997, is amended to read:*

24 11356. (a) In any action filed by the district attorney  
25 pursuant to Section 11350, 11350.1, or 11475.1, the court  
26 may, on any terms that may be just, relieve the defendant  
27 from that part of the judgment or order concerning the  
28 amount of child support to be paid. This relief may be  
29 granted after the six-month time limit of Section 473 of  
30 the Code of Civil Procedure has elapsed, based on the  
31 grounds, and within the time limits, specified in this  
32 section.

33 (b) This section shall apply only to judgments or  
34 orders for support that were based upon presumed  
35 income as specified in subdivision (c) of Section 11475.1  
36 and that were entered after the entry of the default of the  
37 defendant under Section 11355. This section shall apply  
38 only to the amount of support ordered and not that  
39 portion of the judgment or order concerning the  
40 determination of parentage.

1 (c) The court may set aside the child support order  
 2 contained in a judgment described in subdivision (b) if  
 3 the defendant's income was substantially different ~~at the~~  
 4 ~~time the judgment was entered from~~ *for the period of*  
 5 *time during which the judgment was effective compared*  
 6 *with* the income defendant was presumed to have. A  
 7 "substantial difference" means that amount of income  
 8 that would result in an order for support that deviates  
 9 from the order entered by default by 20 percent or more.  
 10 If the difference between the defendant's actual income  
 11 and the presumed income would result in an order for  
 12 support that deviates from the order entered by default  
 13 by less than 20 percent, the court may set aside the child  
 14 support order only if the court states in writing or on the  
 15 record that the defendant is experiencing an extreme  
 16 financial hardship due to the circumstances enumerated  
 17 in Section 4071 of the Family Code and that a set aside of  
 18 the default judgment is necessary to accommodate those  
 19 circumstances.

20 (d) Application for relief under this section shall be  
 21 accompanied by a copy of the answer or other pleading  
 22 proposed to be filed together with an income and expense  
 23 declaration *or simplified financial statement* and tax  
 24 returns for any relevant years. The Judicial Council may  
 25 combine the application for relief under this section and  
 26 the proposed answer into a single form.

27 (e) The burden of proving that the actual income of  
 28 the defendant deviated substantially from the presumed  
 29 income shall be on the defendant.

30 (f) A motion for relief under this section shall be filed  
 31 within 90 days of the first collection of money by the  
 32 district attorney or the obligee. The 90-day time period  
 33 shall run from the date that the district attorney receives  
 34 the first collection or from the date that the defendant is  
 35 served with notice of the collection, whichever date  
 36 occurs first. If service of the notice is by mail, the date of  
 37 service shall be as specified in Section 1013 of the Code of  
 38 Civil Procedure.

39 (g) In all proceedings under this section, before  
 40 granting relief, the court shall consider the amount of

1 time that has passed since the entry of the order, the  
2 circumstances surrounding the defendant's default, the  
3 relative hardship on the child or children to whom the  
4 duty of support is owed, the caretaker parent, and the  
5 defendant, and other equitable factors that the court  
6 deems appropriate.

7 (h) If the court grants the relief requested, the court  
8 shall issue a new child support order using the  
9 appropriate child support guidelines currently in effect.  
10 The new order shall have the same commencement date  
11 as the order set aside.

12 *SEC. 53. Section 11475.15. is added to the Welfare and*  
13 *Institutions Code, to read:*

14 ~~11474.1a.—~~

15 *11475.15. (a) The district attorney may refer child*  
16 *support obligations that are not delinquent, or past due*  
17 *amounts, to the Franchise Tax Board pursuant to Section*  
18 *19271.5 of the Revenue and Taxation Code.*

19 (b) The district attorney is the public agency  
20 responsible for administering wage withholding for the  
21 purposes of Title IV-D of the Social Security Act (42  
22 U.S.C. Sec. 651 et seq.). To enhance child support  
23 enforcement, the district attorney may delegate this  
24 responsibility to the Franchise Tax Board for purposes of  
25 collecting child support payments that are not  
26 delinquent, or past due amounts, as authorized under  
27 subdivision (a) of Section 19271.5 of the Revenue and  
28 Taxation Code.

29 Nothing in this section shall limit the authority of the  
30 district attorney granted by other sections of this code or  
31 otherwise granted by law, except to the extent that the  
32 law is inconsistent with the authority to refer child  
33 support accounts to the Franchise Tax Board for  
34 collection pursuant to Section 19271.5 of the Revenue and  
35 Taxation Code.

36 ~~SEC. 4.—~~

37 *SEC. 54. Section 11475.1 of the Welfare and*  
38 *Institutions Code is repealed.*

39 ~~11475.1. (a) Each county shall maintain a single~~  
40 ~~organizational unit located in the office of the district~~

1 ~~attorney which shall have the responsibility for promptly~~  
2 ~~and effectively establishing, modifying, and enforcing~~  
3 ~~child support obligations, including medical support,~~  
4 ~~enforcing spousal support orders established by a court of~~  
5 ~~competent jurisdiction, and determining paternity in the~~  
6 ~~case of a child born out of wedlock. The district attorney~~  
7 ~~shall take appropriate action, both civil and criminal, to~~  
8 ~~establish, modify, and enforce child support and, when~~  
9 ~~appropriate, enforce spousal support orders when the~~  
10 ~~child is receiving public assistance, including Medi-Cal,~~  
11 ~~and, when appropriate, may take the same actions on~~  
12 ~~behalf of a child who is not receiving public assistance,~~  
13 ~~including Medi-Cal.~~

14 ~~(b) Actions brought by the district attorney to~~  
15 ~~establish paternity or child support or to enforce child~~  
16 ~~support obligations shall be completed within the time~~  
17 ~~limits set forth by federal law. The district attorney's~~  
18 ~~responsibility applies to spousal support only where the~~  
19 ~~spousal support obligation has been reduced to an order~~  
20 ~~of a court of competent jurisdiction. In any action brought~~  
21 ~~for modification or revocation of an order that is being~~  
22 ~~enforced under Title IV-D of the Social Security Act (42~~  
23 ~~U.S.C. Sec. 651 et seq.), the effective date of the~~  
24 ~~modification or revocation shall be as prescribed by~~  
25 ~~federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent~~  
26 ~~date.~~

27 ~~(c) (1) The Judicial Council, in consultation with the~~  
28 ~~department and representatives of the California Family~~  
29 ~~Support Council, the Senate Committee on Judiciary, the~~  
30 ~~Assembly Committee on Judiciary, and a legal services~~  
31 ~~organization providing representation on child support~~  
32 ~~matters, shall develop simplified summons, complaint,~~  
33 ~~and answer forms for any action for support brought~~  
34 ~~pursuant to this section or Section 11350.1. The Judicial~~  
35 ~~Council may combine the summons and complaint in a~~  
36 ~~single form.~~

37 ~~(2) The simplified complaint form shall provide the~~  
38 ~~defendant with notice of the amount of child support that~~  
39 ~~is sought pursuant to the guidelines set forth in Article 2~~  
40 ~~(commencing with Section 4050) of Chapter 2 of Part 2~~

1 of the Family Code based upon the income or income  
2 history of the defendant as known to the district attorney.  
3 If the defendant's income or income history is unknown  
4 to the district attorney, the complaint shall inform the  
5 defendant that income shall be presumed in an amount  
6 that results in a court order equal to the minimum basic  
7 standard of adequate care for Region 1 as provided in  
8 Sections 11452 and 11452.018 unless information  
9 concerning the defendant's income is provided to the  
10 court. The complaint form shall be accompanied by a  
11 proposed judgment. The complaint form shall include a  
12 notice to the defendant that the proposed judgment will  
13 become effective if he or she fails to file an answer with  
14 the court within 30 days of service.

15 (3) (A) The simplified answer form shall be written in  
16 simple English and shall permit a defendant to answer  
17 and raise defenses by checking applicable boxes. The  
18 answer form shall include instructions for completion of  
19 the form and instructions for proper filing of the answer.

20 (B) The answer form shall be accompanied by a blank  
21 income and expense declaration or simplified financial  
22 statement and instructions on how to complete the  
23 financial forms. The answer form shall direct the  
24 defendant to file the completed income and expense  
25 declaration or simplified financial statement with the  
26 answer, but shall state that the answer will be accepted  
27 by a court without the income and expense declaration or  
28 simplified financial statement.

29 (C) The clerk of the court shall accept and file  
30 answers, income and expense declarations, and simplified  
31 financial statements that are completed by hand  
32 provided they are legible.

33 (4) (A) The simplified complaint form prepared  
34 pursuant to this subdivision shall be used by the district  
35 attorney or the Attorney General in all cases brought  
36 under this section or Section 11350.1.

37 (B) The simplified answer form prepared pursuant to  
38 this subdivision shall be served on all defendants with the  
39 simplified complaint. Failure to serve the simplified  
40 answer form on all defendants shall not invalidate any

1 judgment obtained. However, failure to serve the answer  
2 form may be used as evidence in any proceeding under  
3 Section 11356 of this code or Section 473 of the Code of  
4 Civil Procedure.

5 (C) The Judicial Council shall add language to the  
6 governmental summons, for use by the district attorney  
7 with the governmental complaint to establish parental  
8 relationship and child support, informing defendants that  
9 a blank answer form should have been received with the  
10 summons and additional copies may be obtained from  
11 either the district attorney's office or the superior court  
12 clerk.

13 (5) Notwithstanding the amendments made to this  
14 chapter by Chapter 957 of the Statutes of 1996, the district  
15 attorney shall continue to use the procedures and forms  
16 in effect on December 31, 1996, for establishing paternity  
17 and support orders until September 30, 1997, unless the  
18 district attorney has implemented the new procedures  
19 and forms authorized by Chapter 957 of the Statutes of  
20 1996 prior to the effective date of this paragraph. If the  
21 district attorney has implemented the new procedures  
22 and forms set forth in the amendments made to this  
23 chapter by Chapter 957 of the Statutes of 1996 prior to the  
24 effective date of this paragraph, he or she shall utilize the  
25 new procedures and forms in all cases. Each district  
26 attorney shall attach a notice to the complaint which  
27 advises the parties when the action has been filed  
28 pursuant to the old or new procedures and forms. This  
29 paragraph shall become inoperative and shall have no  
30 force or effect after September 30, 1997.

31 (d) In any action brought or enforcement proceedings  
32 instituted by the district attorney pursuant to this section  
33 for payment of child or spousal support, an action to  
34 recover an arrearage in support payments may be  
35 maintained by the district attorney at any time within the  
36 period otherwise specified for the enforcement of a  
37 support judgment, notwithstanding the fact that the child  
38 has attained the age of majority.

39 (e) The county shall undertake an outreach program  
40 to inform the public that the services described in

~~1 subdivisions (a) to (e), inclusive, are available to persons  
2 not receiving public assistance. There shall be  
3 prominently displayed in every public area of every office  
4 of the units established by this section a notice, in clear  
5 and simple language prescribed by the Director of Social  
6 Services, that the services provided in subdivisions (a) to  
7 (e), inclusive, are provided to all individuals whether or  
8 not they are recipients of public social services.~~

~~9 (f) In any action to establish a child support order  
10 brought by the district attorney in the performance of  
11 duties under this section, the district attorney may make  
12 a motion for an order effective during the pendency of  
13 that action, for the support, maintenance, and education  
14 of the child or children that are the subject of the action.  
15 This order shall be referred to as an order for temporary  
16 support. This order shall have the same force and effect  
17 as a like or similar order under the Family Code.~~

~~18 The district attorney shall file a motion for an order for  
19 temporary support within the following time limits:~~

~~20 (1) If the defendant is the mother, a presumed father  
21 under Section 7611 of the Family Code, or any father  
22 where the child is at least six months old when the  
23 defendant files his answer, the time limit is 90 days after  
24 the defendant files an answer.~~

~~25 (2) In any other case where the defendant has filed an  
26 answer prior to the birth of the child or not more than six  
27 months after the birth of the child, then the time limit is  
28 nine months after the birth of the child.~~

~~29 If more than one child is the subject of the action, the  
30 limitation on reimbursement shall apply only as to those  
31 children whose parental relationship and age would bar  
32 recovery were a separate action brought for support of  
33 that child or those children.~~

~~34 If the district attorney fails to file a motion for an order  
35 for temporary support within time limits specified in this  
36 section, the district attorney shall be barred from  
37 obtaining a judgment of reimbursement for any support  
38 provided for that child during the period between the  
39 date the time limit expired and the motion was filed, or,~~

1 ~~if no such motion is filed, when a final judgment is~~  
2 ~~entered.~~

3 ~~Nothing in this section prohibits the district attorney~~  
4 ~~from entering into cooperative arrangements with other~~  
5 ~~county departments as necessary to carry out the~~  
6 ~~responsibilities imposed by this section pursuant to plans~~  
7 ~~of cooperation with the departments approved by the~~  
8 ~~State Department of Social Services.~~

9 ~~Nothing in this section shall otherwise limit the ability~~  
10 ~~of the district attorney from securing and enforcing~~  
11 ~~orders for support of a spouse or former spouse as~~  
12 ~~authorized under any other provision of law.~~

13 ~~(g) As used in this article, “enforcing obligations”~~  
14 ~~includes, but is not limited to, (1) the use of all~~  
15 ~~interception and notification systems operated by the~~  
16 ~~State Department of Social Services for the purposes of~~  
17 ~~aiding in the enforcement of support obligations, (2) the~~  
18 ~~obtaining by the district attorney of an initial order for~~  
19 ~~child support, which may include medical support or~~  
20 ~~which is for medical support only, by civil or criminal~~  
21 ~~process, (3) the initiation of a motion or order to show~~  
22 ~~cause to increase an existing child support order, and the~~  
23 ~~response to a motion or order to show cause brought by~~  
24 ~~an obligor parent to decrease an existing child support~~  
25 ~~order, or the initiation of a motion or order to show cause~~  
26 ~~to obtain an order for medical support, and the response~~  
27 ~~to a motion or order to show cause brought by an obligor~~  
28 ~~parent to decrease or terminate an existing medical~~  
29 ~~support order, without regard to whether the child is~~  
30 ~~receiving public assistance, and (4) the response to a~~  
31 ~~notice of motion or order to show cause brought by an~~  
32 ~~obligor parent to decrease an existing spousal support~~  
33 ~~order when the child or children are residing with the~~  
34 ~~obligee parent and the district attorney is also enforcing~~  
35 ~~a related child support obligation owed to the obligee~~  
36 ~~parent by the same obligor.~~

37 ~~(h) As used in this section, “out of wedlock” means~~  
38 ~~that the biological parents of the child were not married~~  
39 ~~to each other at the time of the child’s conception.~~

~~(i) The district attorney is the public agency responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.). The district attorney shall seek an earnings assignment order for support in any case as soon as the obligor is in arrears in payment of support pursuant to Chapter 8 (commencing with Section 5200) of Part 5 of Division 9 of the Family Code.~~

~~Nothing in this section shall limit the authority of the district attorney granted by other sections of this code or otherwise granted by law.~~

~~(j) In the exercise of the authority granted under this article, the district attorney may intervene, pursuant to subdivision (b) of Section 387 of the Code of Civil Procedure, by ex parte application, in any action under the Family Code, or other proceeding wherein child support is an issue or a reduction in spousal support is sought. By notice of motion, order to show cause, or responsive pleading served upon all parties to the action, the district attorney may request such relief as appropriate which the district attorney is authorized to seek.~~

~~(k) The district attorney shall comply with any guidelines established by the State Department of Social Services which set time standards for responding to requests for assistance in locating absent parents, establishing paternity, establishing child support awards, and collecting child support payments.~~

~~(l) As used in this article, medical support activities which the district attorney is authorized to perform are limited to the following:~~

~~(1) The obtaining and enforcing of court orders for health insurance coverage.~~

~~(2) Any other medical support activity mandated by federal law or regulation.~~

~~(m) (1) Notwithstanding any other provision of law, venue for an action or proceeding under this part shall be determined as follows:~~

~~(A) Venue shall be in the superior court in the county that is currently expending public assistance.~~

1 ~~(B) If public assistance is not currently being~~  
2 ~~expended, venue shall be in the superior court in the~~  
3 ~~county where the child who is entitled to current support~~  
4 ~~resides or is domiciled.~~

5 ~~(C) If current support is no longer payable through, or~~  
6 ~~enforceable by, the district attorney, venue shall be in the~~  
7 ~~superior court in the county that last provided public~~  
8 ~~assistance for actions to enforce arrearages assigned~~  
9 ~~pursuant to Section 11477.~~

10 ~~(D) If subparagraphs (A), (B), and (C) do not apply,~~  
11 ~~venue shall be in the superior court in the county of~~  
12 ~~residence of the support obligee.~~

13 ~~(E) If the support obligee does not reside in California,~~  
14 ~~and subparagraphs (A), (B), (C), and (D) do not apply,~~  
15 ~~venue shall be in the superior court of the county of~~  
16 ~~residence of the obligor.~~

17 ~~(2) Notwithstanding paragraph (1), if the child~~  
18 ~~becomes a resident of another county after an action~~  
19 ~~under this part has been filed, venue may remain in the~~  
20 ~~county where the action was filed until the action is~~  
21 ~~completed.~~

22 ~~(n) The district attorney of one county may appear on~~  
23 ~~behalf of the district attorney of any other county in an~~  
24 ~~action or proceeding under this part.~~

25 *SEC. 55. Section 11475.1 is added to the Welfare and*  
26 *Institutions Code, to read:*

27 *11475.1. (a) Each county shall maintain a single*  
28 *organizational unit located in the office of the district*  
29 *attorney which shall have the responsibility for promptly*  
30 *and effectively establishing, modifying, and enforcing*  
31 *child support obligations, including medical support,*  
32 *enforcing spousal support orders established by a court of*  
33 *competent jurisdiction, and determining paternity in the*  
34 *case of a child born out of wedlock. The district attorney*  
35 *shall take appropriate action, both civil and criminal, to*  
36 *establish, modify, and enforce child support and, when*  
37 *appropriate, enforce spousal support orders when the*  
38 *child is receiving public assistance, including Medi-Cal,*  
39 *and, when appropriate, may take the same actions on*  
40 *behalf of a child who is not receiving public assistance,*

1 including Medi-Cal. The district attorney may refer child  
2 support obligations that are not delinquent and shall refer  
3 all child support delinquencies to the Franchise Tax  
4 Board pursuant to Section 19271 of the Revenue and  
5 Taxation Code.

6 (b) Actions brought by the district attorney to  
7 establish paternity or child support or to enforce child  
8 support obligations shall be completed within the time  
9 limits set forth by federal law. The district attorney's  
10 responsibility applies to spousal support only where the  
11 spousal support obligation has been reduced to an order  
12 of a court of competent jurisdiction. In any action brought  
13 for modification or revocation of an order that is being  
14 enforced under Title IV-D of the Social Security Act (42  
15 U.S.C. Sec. 651 et seq.), the effective date of the  
16 modification or revocation shall be as prescribed by  
17 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent  
18 date.

19 (c) (1) The Judicial Council, in consultation with the  
20 department and representatives of the California Family  
21 Support Council, the Senate Committee on Judiciary, the  
22 Assembly Committee on Judiciary, and a legal services  
23 organization providing representation on child support  
24 matters, shall develop simplified summons, complaint,  
25 and answer forms for any action for support brought  
26 pursuant to this section or Section 11350.1. The Judicial  
27 Council may combine the summons and complaint in a  
28 single form.

29 (2) The simplified complaint form shall provide the  
30 defendant with notice of the amount of child support that  
31 is sought pursuant to the guidelines set forth in Article 2  
32 (commencing with Section 4050) of Chapter 2 of Part 2  
33 of Division 9 of the Family Code based upon the income  
34 or income history of the defendant as known to the  
35 district attorney. If the defendant's income or income  
36 history is unknown to the district attorney, the complaint  
37 shall inform the defendant that income shall be presumed  
38 in an amount that results in a court order equal to the  
39 minimum basic standard of adequate care provided in  
40 Section 11452 unless information concerning the

1 defendant's income is provided to the court. The  
2 complaint form shall be accompanied by a proposed  
3 judgment. The complaint form shall include a notice to  
4 the defendant that the proposed judgment will become  
5 effective if he or she fails to file an answer with the court  
6 within 30 days of service.

7 (3) (A) The simplified answer form shall be written in  
8 simple English and shall permit a defendant to answer  
9 and raise defenses by checking applicable boxes. The  
10 answer form shall include instructions for completion of  
11 the form and instructions for proper filing of the answer.

12 (B) The answer form shall be accompanied by a blank  
13 income and expense declaration or simplified financial  
14 statement and instructions on how to complete the  
15 financial forms. The answer form shall direct the  
16 defendant to file the completed income and expense  
17 declaration or simplified financial statement with the  
18 answer, but shall state that the answer will be accepted  
19 by a court without the income and expense declaration or  
20 simplified financial statement.

21 (C) The clerk of the court shall accept and file  
22 answers, income and expense declarations, and simplified  
23 financial statements that are completed by hand  
24 provided they are legible.

25 (4) (A) The simplified complaint form prepared  
26 pursuant to this subdivision shall be used by the district  
27 attorney or the Attorney General in all cases brought  
28 under this section or Section 11350.1.

29 (B) The simplified answer form prepared pursuant to  
30 this subdivision shall be served on all defendants with the  
31 simplified complaint. Failure to serve the simplified  
32 answer form on all defendants shall not invalidate any  
33 judgment obtained. However, failure to serve the answer  
34 form may be used as evidence in any proceeding under  
35 Section 11356 of this code or Section 473 of the Code of  
36 Civil Procedure.

37 (C) The Judicial Council shall add language to the  
38 governmental summons, for use by the district attorney  
39 with the governmental complaint to establish parental  
40 relationship and child support, informing defendants that

1 a blank answer form should have been received with the  
2 summons and additional copies may be obtained from  
3 either the district attorney's office or the superior court  
4 clerk.

5 (d) In any action brought or enforcement proceedings  
6 instituted by the district attorney pursuant to this section  
7 for payment of child or spousal support, an action to  
8 recover an arrearage in support payments may be  
9 maintained by the district attorney at any time within the  
10 period otherwise specified for the enforcement of a  
11 support judgment, notwithstanding the fact that the child  
12 has attained the age of majority.

13 (e) The county shall undertake an outreach program  
14 to inform the public that the services described in  
15 subdivisions (a) to (c), inclusive, are available to persons  
16 not receiving public assistance. There shall be  
17 prominently displayed in every public area of every office  
18 of the units established by this section a notice, in clear  
19 and simple language prescribed by the Director of Social  
20 Services, that the services provided in subdivisions (a) to  
21 (c), inclusive, are provided to all individuals whether or  
22 not they are recipients of public social services.

23 (f) In any action to establish a child support order  
24 brought by the district attorney in the performance of  
25 duties under this section, the district attorney may make  
26 a motion for an order effective during the pendency of  
27 that action, for the support, maintenance, and education  
28 of the child or children that are the subject of the action.  
29 This order shall be referred to as an order for temporary  
30 support. This order shall have the same force and effect  
31 as a like or similar order under the Family Code.

32 The district attorney shall file a motion for an order for  
33 temporary support within the following time limits:

34 (1) If the defendant is the mother, a presumed father  
35 under Section 7611 of the Family Code, or any father  
36 where the child is at least six months old when the  
37 defendant files his answer, the time limit is 90 days after  
38 the defendant files an answer.

39 (2) In any other case where the defendant has filed an  
40 answer prior to the birth of the child or not more than six

1 months after the birth of the child, then the time limit is  
2 nine months after the birth of the child.

3 If more than one child is the subject of the action, the  
4 limitation on reimbursement shall apply only as to those  
5 children whose parental relationship and age would bar  
6 recovery were a separate action brought for support of  
7 that child or those children.

8 If the district attorney fails to file a motion for an order  
9 for temporary support within time limits specified in this  
10 section, the district attorney shall be barred from  
11 obtaining a judgment of reimbursement for any support  
12 provided for that child during the period between the  
13 date the time limit expired and the motion was filed, or,  
14 if no such motion is filed, when a final judgment is  
15 entered.

16 Nothing in this section prohibits the district attorney  
17 from entering into cooperative arrangements with other  
18 county departments as necessary to carry out the  
19 responsibilities imposed by this section pursuant to plans  
20 of cooperation with the departments approved by the  
21 State Department of Social Services.

22 Nothing in this section shall otherwise limit the ability  
23 of the district attorney from securing and enforcing  
24 orders for support of a spouse or former spouse as  
25 authorized under any other provision of law.

26 (g) As used in this article, “enforcing obligations”  
27 includes, but is not limited to, (1) the use of all  
28 interception and notification systems operated by the  
29 State Department of Social Services for the purposes of  
30 aiding in the enforcement of support obligations, (2) the  
31 obtaining by the district attorney of an initial order for  
32 child support, which may include medical support or  
33 which is for medical support only, by civil or criminal  
34 process, (3) the initiation of a motion or order to show  
35 cause to increase an existing child support order, and the  
36 response to a motion or order to show cause brought by  
37 an obligor parent to decrease an existing child support  
38 order, or the initiation of a motion or order to show cause  
39 to obtain an order for medical support, and the response  
40 to a motion or order to show cause brought by an obligor

1 parent to decrease or terminate an existing medical  
2 support order, without regard to whether the child is  
3 receiving public assistance, and (4) the response to a  
4 notice of motion or order to show cause brought by an  
5 obligor parent to decrease an existing spousal support  
6 order when the child or children are residing with the  
7 obligee parent and the district attorney is also enforcing  
8 a related child support obligation owed to the obligee  
9 parent by the same obligor, and (5) the use of the  
10 collection services of the Franchise Tax Board to enforce  
11 the collection of child support as provided under Section  
12 19271 of the Revenue and Taxation Code.

13 (h) As used in this section, “out of wedlock” means  
14 that the biological parents of the child were not married  
15 to each other at the time of the child’s conception.

16 (1) The district attorney is the public agency  
17 responsible for administering wage withholding for the  
18 purposes of Title IV-D of the Social Security Act (42  
19 U.S.C. Sec. 651 et seq.). To enhance child support  
20 enforcement, the district attorney: (1) may delegate this  
21 responsibility to the Franchise Tax Board for purposes of  
22 collecting child support payments that are not delinquent  
23 as authorized under subdivision (a) of Section 19271 of  
24 the Revenue and Taxation Code, and (2) shall delegate  
25 this responsibility to the Franchise Tax Board for  
26 purposes collecting child support delinquencies pursuant  
27 to subdivision (a) of Section 19271 of the Revenue and  
28 Taxation Code.

29 (2) Nothing in this section shall limit the authority of  
30 the district attorney granted by other sections of this code  
31 or otherwise granted by law, except to the extent that the  
32 law is inconsistent with the authority or requirement to  
33 refer child support accounts to the Franchise Tax Board  
34 for collection pursuant to Section 19271 of the Revenue  
35 and Taxation Code.

36 (i) In the exercise of the authority granted under this  
37 article, the district attorney may intervene, pursuant to  
38 subdivision (b) of Section 387 of the Code of Civil  
39 Procedure, by ex parte application, in any action under  
40 the Family Code, or other proceeding wherein child

1 *support is an issue or a reduction in spousal support is*  
2 *sought. By notice of motion, order to show cause, or*  
3 *responsive pleading served upon all parties to the action,*  
4 *the district attorney may request any relief that is as*  
5 *appropriate that the district attorney is authorized to*  
6 *seek.*

7 *(j) The district attorney shall comply with any*  
8 *guidelines established by the State Department of Social*  
9 *Services which set time standards for responding to*  
10 *requests for assistance in locating absent parents,*  
11 *establishing paternity, establishing child support awards,*  
12 *and collecting child support payments.*

13 *(k) As used in this article, medical support activities*  
14 *which the district attorney is authorized to perform are*  
15 *limited to the following:*

16 *(1) The obtaining and enforcing of court orders for*  
17 *health insurance coverage.*

18 *(2) Any other medical support activity mandated by*  
19 *federal law or regulation.*

20 *(l) (1) Notwithstanding any other provision of law,*  
21 *venue for an action or proceeding under this part shall be*  
22 *determined as follows:*

23 *(A) Venue shall be in the superior court in the county*  
24 *that is currently expending public assistance.*

25 *(B) If public assistance is not currently being*  
26 *expended, venue shall be in the superior court in the*  
27 *county where the child who is entitled to current support*  
28 *resides or is domiciled.*

29 *(C) If current support is no longer payable through, or*  
30 *enforceable by, the district attorney, venue shall be in the*  
31 *superior court in the county that last provided public*  
32 *assistance for actions to enforce arrearages assigned*  
33 *pursuant to Section 11477.*

34 *(D) If subparagraphs (A), (B), and (C) do not apply,*  
35 *venue shall be in the superior court in the county of*  
36 *residence of the support obligee.*

37 *(E) If the support obligee does not reside in California,*  
38 *and subparagraphs (A), (B), (C), and (D) do not apply,*  
39 *venue shall be in the superior court of the county of*  
40 *residence of the obligor.*

1 (2) Notwithstanding paragraph (1), if the child  
2 becomes a resident of another county after an action  
3 under this part has been filed, venue may remain in the  
4 county where the action was filed until the action is  
5 completed.

6 (m) The district attorney of one county may appear on  
7 behalf of the district attorney of any other county in an  
8 action or proceeding under this part.

9 SEC. 56. Section 11475.4 is added to the Welfare and  
10 Institutions Code, to read:

11 11475.4. (a) Effective October 1, 1998, the state shall  
12 operate a Child Support Centralized Collection and  
13 Distribution Unit as required by federal law (42 U.S.C.  
14 Secs. 654 (27), 654a(g), and 654b).

15 (b) The Child Support Collection and Enforcement  
16 Advisory Committee is hereby created to review and  
17 make recommendations regarding the development and  
18 implementation of the Child Support Centralized  
19 Collection and Distribution Unit. The advisory  
20 committee shall include, but not be limited to, the  
21 Director of Social Services or a designee from the State  
22 Department of Social Services, who shall serve as the  
23 chairperson and convene the advisory committee, and  
24 representatives from the Franchise Tax Board, the  
25 Health and Welfare Agency Data Center, the  
26 Department of Information Technology, the Milton  
27 Marks "Little Hoover" Commission on California State  
28 Government Organization and Economy, the Legislative  
29 Analyst, the federal Office of Child Support  
30 Enforcement, the California District Attorneys  
31 Association and other county representatives, children's  
32 advocates, organized labor, the California Payroll  
33 Association, and legislative members and staff.

34 (c) On the effective date of this section, the State  
35 Department of Social Services shall deliver to the  
36 advisory committee the working draft report of the  
37 feasibility study conducted by Warner Group for  
38 purposes of developing a Child Support Centralized  
39 Collection and Distribution Unit.

1 (d) *The advisory committee shall examine the Warner*  
2 *Group draft report, obtain clarification from Warner*  
3 *Group, determine the status of the Statewide Automated*  
4 *Child Support System (SACSS) in regards to its impact on*  
5 *the development of the Child Support Centralized*  
6 *Collection and Distribution Unit, determine the*  
7 *requirements of federal law, and submit an interim*  
8 *progress report, including any recommendations for*  
9 *action, to the Legislature no later than August 1, 1997.*

10 (e) *The advisory committee shall make*  
11 *recommendations to the Legislature for implementation*  
12 *of the Child Support Centralized Collection and*  
13 *Distribution Unit, including recommendations for*  
14 *deficiency budget requests if necessary, no later than*  
15 *December 31, 1997.*

16 SEC. 57. Section 11475.7 is added to the Welfare and  
17 Institutions Code, to read:

18 11475.7. (a) Any service-recipient, as defined in  
19 subdivision (b), who makes or is required to make a  
20 return to the Internal Revenue Service, in accordance  
21 with Section 6041A(a) of the Internal Revenue Code  
22 (relating to payments made to a service-provider as  
23 compensation for services) shall file with the  
24 Employment Development Department information as  
25 required under subdivision (c).

26 (b) For purposes of this section:

27 (1) "Service-recipient" means any individual, person,  
28 corporation, association, or partnership, or agent thereof,  
29 doing business in this state, deriving income from sources  
30 within this state, or in any manner whatsoever subject to  
31 the laws of this state. "Service-recipient" also includes,  
32 the State of California or any political subdivision thereof,  
33 including the Regents of the University of California, any  
34 city organized under a freeholder's charter, or any  
35 political body not a subdivision or agency of the state, and  
36 any person, employee, department, or agent thereof.

37 (2) "Service-provider" means an individual who is not  
38 an employee of the service-recipient for California  
39 purposes and who receives compensation or executes a

1 contract for services performed for that service-recipient  
2 within or without the state.

3 (c) (1) Each service-recipient shall report all of the  
4 following information to the Employment Development  
5 Department, within 30 days of the earlier of first making  
6 payments of six hundred dollars (\$600) or more in any  
7 year to a service-provider, or entering into a contract or  
8 contracts with a service-provider providing for payments  
9 of six hundred dollars (\$600) or more in any year:

10 (A) The first initial, last name, and social security  
11 number of the service-provider.

12 (B) The service-recipient's name, address, telephone  
13 number, and identifying number, such as a federal  
14 employer identification number, state employer  
15 identification number, State Board of Equalization  
16 identification number, or Secretary of State assigned  
17 corporation number.

18 (C) The date the contract is executed, or if no  
19 contract, the date payments first total six hundred dollars  
20 (\$600) or more.

21 (D) The total dollar amount of the contract, if any, and  
22 the contract expiration date.

23 (2) Notification to the Real Estate Commissioner  
24 under subdivisions (a) and (b) of Section 10161.8 of the  
25 Business and Professions Code shall satisfy the reporting  
26 requirement of real estate brokers under this section  
27 relating to those real estate salespersons.

28 (d) The Employment Development Department  
29 shall retain information collected pursuant to this section  
30 until November 1 following the tax year in which the  
31 contract is executed, or if no contract, the tax year in  
32 which the payments first total six hundred dollars (\$600)  
33 or more.

34 (e) Information obtained by the Employment  
35 Development Department pursuant to this section may  
36 be released only for purposes of enforcing child support  
37 obligations under Section 11475.1 and for child support  
38 collection purposes authorized under Article 5  
39 (commencing with Section 19271) of Chapter 5 of Part

1 10.2 of the Revenue and Taxation Code, or to the  
2 Franchise Tax Board for tax enforcement purposes.

3 ~~SEC. 5.—~~

4 *SEC. 58. Section 11478 of the Welfare and Institutions*  
5 *Code is amended to read:*

6 11478. (a) All state, county, and local agencies shall  
7 cooperate with the district attorney (1) in carrying out  
8 Chapter 8 (commencing with Section 3130) of Part 2 of  
9 Division 8 of the Family Code concerning the location,  
10 seizure, and recovery of abducted, concealed, or detained  
11 minor children, (2) in the enforcement of any child  
12 support obligation or to the extent required under the  
13 state plan under Section 11475.2 of this code, Chapter 6  
14 (commencing with Section 4800) of Part 5 of Division 9  
15 of the Family Code, and Section 270 of the Penal Code,  
16 and (3) the enforcement of spousal support orders and in  
17 the location of parents or putative parents. This  
18 subdivision applies irrespective of whether the children  
19 are or are not receiving aid to families with dependent  
20 children.

21 (b) On request, all state, county, and local agencies  
22 shall supply the district attorney of any county in this state  
23 or the California Parent Locator Service with all  
24 information on hand relative to the location, income, or  
25 property of any parents, putative parents, spouses, or  
26 former spouses, notwithstanding any other provision of  
27 law making the information confidential, and with all  
28 information on hand relative to the location and  
29 prosecution of any person who has, by means of false  
30 statement or representation or by impersonation or other  
31 fraudulent device, obtained aid for a child under this  
32 chapter.

33 (c) The State Department of Social Services'  
34 Statewide Automated Child Support System shall be  
35 entitled to the same cooperation and information  
36 provided to the California Parent Locator Service, to the  
37 extent allowed by law. The Statewide Automated Child  
38 Support System shall be allowed access to criminal  
39 offender record information only to the extent that access  
40 is allowed by law.

1 ~~(d) This section shall be operative January 1, 1994~~  
2 *Information exchanged between the California Parent*  
3 *Locator Service or the Statewide Automated Child*  
4 *Support System and state, county, or local agencies as*  
5 *specified in Section 666(c)(1)(D) of Title 42 of the*  
6 *United States Code shall be through automated processes*  
7 *to the maximum extent feasible.*

8 SEC. 59. Section 11478.1 of the Welfare and  
9 Institutions Code is amended to read:

10 11478.1. (a) It is the intent of the Legislature to  
11 protect individual rights of privacy, and to facilitate and  
12 enhance the effectiveness of the child and spousal  
13 support enforcement ~~and child abduction and recovery~~  
14 ~~programs~~ program, by ensuring the confidentiality of  
15 support enforcement and child abduction records, and to  
16 thereby encourage the full and frank disclosure of  
17 information relevant to all of the following:

18 (1) The establishment or maintenance of parent and  
19 child relationships and support obligations.

20 (2) The enforcement of the child support liability of  
21 absent parents.

22 (3) The enforcement of spousal support liability of the  
23 spouse or former spouse to the extent required by the  
24 state plan under Section 11475.2 of this code and Chapter  
25 6 (commencing with Section 4800) of Part 5 of Division  
26 9 of the Family Code.

27 (4) The location of absent parents.

28 (5) The location of parents and children abducted,  
29 concealed, or detained by them.

30 (b) (1) Except as provided in subdivision (c), all files,  
31 applications, papers, documents, and records established  
32 or maintained by any public entity pursuant to the  
33 administration and implementation of the child and  
34 spousal support enforcement program established  
35 pursuant to Part D (commencing with Section 651) of  
36 Subchapter IV of Chapter 7 of Title 42 of the United States  
37 Code and this article, shall be confidential, and shall not  
38 be open to examination or released for disclosure for any  
39 purpose not directly connected with the administration  
40 of the child and spousal support enforcement program.

1 No public entity shall disclose any file, application, paper,  
2 document, or record, or the information contained  
3 therein, except as expressly authorized by this section.

4 *(2) In no case shall information be released or the*  
5 *whereabouts of one party disclosed to another party, or*  
6 *to any attorney of a party, if a protective order has been*  
7 *issued by a court or administrative agency with respect*  
8 *to the former party, a good cause claim under Section*  
9 *11477 has been approved or is pending, or the public*  
10 *agency responsible for establishing paternity or enforcing*  
11 *support has reason to believe that the release of the*  
12 *information may result in physical or emotional harm to*  
13 *the former party.*

14 *(3) Notwithstanding any other provision of law, a*  
15 *proof of service filed by the district attorney shall not*  
16 *disclose the address where service of process was*  
17 *accomplished. Instead, the district attorney shall keep the*  
18 *address in his or her own records. The proof of service*  
19 *shall specify that the address is on record at the district*  
20 *attorney's office and that the address may be released*  
21 *only upon an order from the court pursuant to paragraph*  
22 *(6) of subdivision (c).*

23 (c) Disclosure of the information described in  
24 subdivision (b) is authorized as follows:

25 (1) All files, applications, papers, documents and  
26 records as described in subdivision (b) shall be available  
27 and may be used by a public entity for all administrative,  
28 civil, or criminal investigations, actions, proceedings, or  
29 prosecutions conducted in connection with the  
30 administration of the child and spousal support  
31 enforcement program approved under Part D  
32 (commencing with Section 651) of Subchapter IV of  
33 Chapter 7 of Title 42 of the United States Code, and any  
34 other plan or program described in Section 303.21 of Title  
35 45 of the Code of Federal Regulations.

36 (2) A document requested by a person who wrote,  
37 prepared, or furnished the document may be examined  
38 by or disclosed to that person or his or her designee.

39 (3) The payment history of an obligor pursuant to a  
40 support order may be examined by or released to the

1 court, the obligor, or the person on whose behalf  
2 enforcement actions are being taken or that person's  
3 designee.

4 (4) *Income and expense information of either parent*  
5 *may be released to the other parent for the purpose of*  
6 *establishing or modifying a support order. However,*  
7 *information that indicates the whereabouts of one party*  
8 *to the other party, including the name and address of an*  
9 *employer, shall not be released except upon a court order*  
10 *obtained pursuant to paragraph (6) of subdivision (c).*

11 (5) Public records subject to disclosure under the  
12 Public Records Act (Chapter 3.5 (commencing with  
13 Section 6250) of Division 7 of the Government Code) may  
14 be released.

15 ~~(5)~~

16 (6) After a noticed motion and a finding by the court,  
17 in a case in which *establishment or* enforcement actions  
18 are being taken, that release or disclosure to the obligor  
19 *or obligee* is required by due process of law, the court may  
20 order a public entity, which possesses an application,  
21 paper, document, or record as described in subdivision  
22 (b) to make that item available to the obligor *or obligee*  
23 for examination or copying, or to disclose to the obligor  
24 *or obligee* the contents of that item. Article 9  
25 (commencing with Section 1040) of Chapter 4 of Division  
26 3 of the Evidence Code shall not be applicable to  
27 proceedings under this part. *At any hearing of a motion*  
28 *filed pursuant to this section, the court shall inquire of the*  
29 *district attorney and the parties appearing at the hearing*  
30 *if there is reason to believe that release of the requested*  
31 *information may result in physical or emotional harm to*  
32 *a party. If the court determines that harm may occur, the*  
33 *court shall issue any protective orders or injunctive*  
34 *orders restricting the use and disclosure of the*  
35 *information as are necessary to protect the individuals.*

36 ~~(6)~~

37 (7) To the extent not prohibited by federal law or  
38 regulation, information indicating the existence or  
39 imminent threat of a crime against a minor child, or  
40 location of a concealed, detained, or abducted child or the

1 location of the concealing, detaining, or abducting  
2 person, may be disclosed to any district attorney, any  
3 appropriate law enforcement agency, or to any state or  
4 county child protective agency, or may be used in any  
5 judicial proceedings to prosecute that crime or to protect  
6 the child.

7 ~~(7)–~~

8 (8) The social security number, most recent address,  
9 and the place of employment of the absent parent may be  
10 released to an authorized person as defined in Section  
11 653(c) of Title 42 of the United States Code, only if the  
12 authorized person has filed a request for the information,  
13 and only if the information has been provided to the  
14 California Parent Locator Service by the federal Parent  
15 Locator Service pursuant to Section 653 of Title 42 of the  
16 United States Code.

17 (d) (1) “Administration and implementation of the  
18 child and spousal support enforcement program,” as used  
19 in this section, means the carrying out of the state and  
20 local plans for establishing, modifying, and enforcing  
21 child support obligations, enforcing spousal support  
22 orders, and determining paternity pursuant to Part D  
23 (commencing with Section 651) of Subchapter IV of  
24 Chapter 7 of Title 42 of the United States Code and this  
25 article.

26 (2) For purposes of this section, “obligor” means any  
27 person owing a duty of support.

28 (3) As used in this chapter, “putative parent” shall  
29 refer to any person reasonably believed to be the parent  
30 of a child for whom the district attorney is attempting to  
31 establish paternity or establish, modify, or enforce  
32 support pursuant to Section 11475.1.

33 (e) Any person who willfully, knowingly, and  
34 intentionally violates this section is guilty of a  
35 misdemeanor.

36 (f) Nothing in this section shall be construed to compel  
37 the disclosure of information relating to a deserting  
38 parent who is a recipient of aid under a public assistance  
39 program for which federal aid is paid to this state, if that

1 information is required to be kept confidential by the  
2 federal law or regulations relating to the program.

3 ~~(g) Except as provided in this subdivision, all files,~~  
4 ~~applications, papers, documents, and records, established~~  
5 ~~or maintained by any public entity for the purpose of~~  
6 ~~locating an abducted child, locating a person who has~~  
7 ~~abducted a child, or prosecution of a person who has~~  
8 ~~abducted a child shall be confidential, and shall not be~~  
9 ~~open to examination or released for disclosure for any~~  
10 ~~purpose not directly connected with locating the~~  
11 ~~abducted child or abducting person or prosecution of the~~  
12 ~~abducting person. No public entity shall disclose any file,~~  
13 ~~application, paper, document, or record described in this~~  
14 ~~section, or the information contained therein, except as~~  
15 ~~follows:~~

16 ~~(1) All files, applications, papers, documents, and~~  
17 ~~records as described in subdivision (b) shall be available~~  
18 ~~and may be used by a public entity for all administrative,~~  
19 ~~civil, or criminal investigations, actions, proceedings, or~~  
20 ~~prosecution conducted in connection with the child~~  
21 ~~abduction or prosecution of the abducting person.~~

22 ~~(2) A document requested by a person who wrote,~~  
23 ~~prepared, or furnished the document may be examined~~  
24 ~~by or disclosed to that person or his or her designee.~~

25 ~~(3) Public records subject to disclosure under the~~  
26 ~~Public Records Act (Chapter 3.5 (commencing with~~  
27 ~~Section 6250) of Division 7 of Title 1 of the Government~~  
28 ~~Code) may be released.~~

29 ~~(4) After a noticed motion and a finding by the court,~~  
30 ~~in a case in which enforcement actions are being taken,~~  
31 ~~that release or disclosure is required by due process of~~  
32 ~~law, the court may order a public entity that possesses an~~  
33 ~~application, paper, document, or record described in this~~  
34 ~~subdivision to make that item available to the obligor for~~  
35 ~~examination or copying, or to disclose to an appropriate~~  
36 ~~person the contents of that item. Article 9 (commencing~~  
37 ~~with Section 1040) of Chapter 4 of Division 8 of the~~  
38 ~~Evidence Code shall not be applicable to proceedings~~  
39 ~~under this part.~~

~~(5) To the extent not prohibited by federal law or regulation, information indicating the existence or imminent threat of a crime against a minor child, or location of a concealed or abducted child or the location of the concealing or abducting person, may be disclosed to any appropriate law enforcement agency, or to any state or county child protective agency, or may be used in any judicial proceedings to prosecute that crime or to protect the child.~~

*SEC. 60. Section 11478.2 of the Welfare and Institutions Code is amended to read:*

11478.2. (a) In all actions involving paternity or support, including, but not limited to, proceedings under the Family Code, and under this division, the district attorney and Attorney General represent the public interest in establishing, modifying, and enforcing support obligations. No attorney-client relationship shall be deemed to have been created between the district attorney or Attorney General and any person by virtue of the action of the district attorney or the Attorney General in carrying out these statutory duties.

(b) The provisions of subdivision (a) are declarative of existing law.

(c) In all requests for services of the district attorney or Attorney General pursuant to Section 11475.1 relating to actions involving paternity or support, not later than the same day an individual makes a request for these services in person, and not later than five working days after either (1) a case is referred for services from the county welfare department, (2) receipt of a request by mail for an application for services, or (3) an individual makes a request for services by telephone, the district attorney or Attorney General shall give notice to the individual requesting services or on whose behalf services have been requested that the district attorney or Attorney General does not represent the individual or the children who are the subject of the case, that no attorney-client relationship exists between the district attorney or Attorney General and those persons, and that no such representation or relationship shall arise if the

1 district attorney or Attorney General provides the  
2 services requested. Notice shall be in bold print and in  
3 plain English and shall be translated into the language  
4 understandable by the recipient when reasonable. The  
5 notice shall include the advice that the absence of an  
6 attorney-client relationship means that communications  
7 from the recipient are not privileged and that the district  
8 attorney or Attorney General may provide support  
9 enforcement services to the other parent in the future.

10 (d) The district attorney or Attorney General shall  
11 give the notice required pursuant to subdivision (c) to all  
12 recipients of services under Section 11475.1 who have not  
13 otherwise been provided that notice, not later than the  
14 date of the next annual notice required under Section  
15 11476.2. This notice shall include notification to the  
16 recipient of services under Section 11475.1 that the  
17 recipient may inspect the clerk's file at the county clerk's  
18 office, and that, upon request, the district attorney, or, if  
19 appropriate, the Attorney General, will furnish a copy of  
20 the most recent order entered in the case.

21 (e) The district attorney, or, if appropriate, the  
22 Attorney General, shall serve a copy of the complaint for  
23 paternity or support, or both on recipients of support  
24 services under Section 11475.1, as specified in paragraph  
25 (2) of subdivision (e) of Section 11350.1. A notice shall  
26 accompany the complaint which informs the recipient  
27 that the district attorney or Attorney General may enter  
28 into a stipulated order resolving the complaint, and that  
29 if the recipient wishes to assist the prosecuting attorney,  
30 he or she should send all information on the noncustodial  
31 parent's earnings and assets to the prosecuting attorney.

32 (f) (1) The district attorney or Attorney General shall  
33 provide written notice to recipients of services under  
34 Section 11475.1 of the initial date and time, and purpose  
35 of every hearing in a civil action for paternity or support.  
36 The notice shall include the following language:

37  
38 **IMPORTANT NOTICE**  
39  
40

1 It may be important that you attend the hearing. The  
2 district attorney does not represent you or your  
3 children. You may have information about the  
4 noncustodial parent, such as information about his or  
5 her income or assets, or your need for support that will  
6 not be presented to the court unless you attend the  
7 hearing. ~~With the permission of the court, you~~ You have  
8 the right to be heard in court and tell the court what  
9 you think the court should do with the child support  
10 order.

11  
12 If you have a court order for support that arose as part  
13 of your divorce, this hearing could change your rights  
14 or your children's rights to support. You have the right  
15 to attend the hearing and, ~~with the permission of the~~  
16 ~~court~~ right, to be heard.

17  
18 If you would like to attend the hearing and be told  
19 about any changes to the hearing date or time, notify  
20 this office by \_\_\_\_\_. The district attorney or  
21 Attorney General will then have to tell you about any  
22 changes to the hearing date or time.

23  
24 (2) The notice shall state the purpose of the hearing or  
25 be attached to the motion or other pleading which caused  
26 the hearing to be scheduled.

27 (3) The notice shall be provided separate from all  
28 other material and shall be in at least 14-point type. The  
29 failure of the district attorney or Attorney General to  
30 comply with this subdivision shall not affect the validity  
31 of any order.

32 (4) The notice shall be provided not later than seven  
33 calendar days prior to the hearing, or, if the district  
34 attorney or Attorney General receives notice of the  
35 hearing less than seven days prior to the hearing, within  
36 two days of the receipt by the district attorney or  
37 Attorney General of the notice of the hearing.

38 (5) The district attorney or Attorney General shall, in  
39 order to implement this subdivision, make reasonable  
40 efforts to ensure that the district attorney or Attorney

1 General has current addresses for recipients of support  
2 enforcement services.

3 (g) The district attorney or Attorney General shall  
4 give notice to recipients of services under Section 11475.1  
5 of every order obtained by the district attorney or  
6 Attorney General that establishes or modifies the support  
7 obligation for the recipient or the children who are the  
8 subject of the order, by sending a copy of the order to the  
9 recipient. The notice shall be made within 30 calendar  
10 days after the order has been filed. The district attorney  
11 or Attorney General shall also give notice to these  
12 recipients of every order obtained in any other  
13 jurisdiction, that establishes or modifies the support  
14 obligation for the recipient or the children who are the  
15 subject of the order, and which is received by the district  
16 attorney or Attorney General, by sending a copy of the  
17 order to the recipient within ~~30 calendar days~~ *the*  
18 *timeframe specified by federal law* after the district  
19 attorney or Attorney General has received a copy of the  
20 order. In any action enforced under Chapter 6  
21 (commencing with Section 4800) of Part 5 of Division 9  
22 of the Family Code, the notice shall be made in  
23 compliance with the requirements of that chapter. The  
24 failure of the district attorney or Attorney General to  
25 comply with this subdivision shall not affect the validity  
26 of any order.

27 (h) The district attorney or Attorney General shall  
28 give notice to the noncustodial parent against whom a  
29 civil action is filed that the district attorney or Attorney  
30 General is not the attorney representing any individual,  
31 including, but not limited to, the custodial parent, the  
32 child, or the noncustodial parent.

33 (i) Nothing in this section shall be construed to  
34 preclude any person who is receiving services under  
35 Section 11475.1 from filing and prosecuting an  
36 independent action to establish, modify, and enforce an  
37 order for current support on behalf of himself or herself  
38 or a child if that person is not receiving public assistance.

39 (j) A person who is receiving services under Section  
40 11475.1 but who is not currently receiving public

1 assistance on his or her own behalf or on behalf of a child  
2 shall be asked to execute, or consent to, any stipulation  
3 establishing or modifying a support order in any action in  
4 which that person is named as a party, before the  
5 stipulation is filed. The district attorney or Attorney  
6 General shall not submit to the court for approval a  
7 stipulation to establish or modify a support order in such  
8 an action without first obtaining the signatures of all  
9 parties to the action, their attorneys of record, or persons  
10 authorized to act on their behalf.

11 (k) The district attorney or Attorney General shall not  
12 enter into a stipulation which reduces the amount of past  
13 due support, including interest and penalties accrued  
14 pursuant to an order of current support, on behalf of a  
15 person who is receiving support enforcement services  
16 under Section 11475.1 and who is owed support  
17 arrearages that exceed unreimbursed public assistance  
18 paid to the recipient of the support enforcement services,  
19 without first obtaining the consent of the person who is  
20 receiving services under Section 11475.1 on his or her own  
21 behalf or on behalf of the child.

22 (l) The notices required in this section shall be  
23 provided in the following manner:

24 (1) In all cases in which the person receiving services  
25 under Section 11475.1 resides in California, notice shall be  
26 provided by mailing the item by first-class mail to the last  
27 known address of, or personally delivering the item to,  
28 that person.

29 (2) In all actions enforced under Chapter 6  
30 (commencing with Section 4800) of Part 5 of Division 9  
31 of the Family Code, unless otherwise specified, notice  
32 shall be provided by mailing the item by first-class mail  
33 to the initiating court.

34 (m) Notwithstanding any other provision of this  
35 section, the notices provided for pursuant to subdivisions  
36 (c) to (g), inclusive, shall not be required in foster care  
37 cases.

38 *SEC. 61. Section 11478.5 of the Welfare and*  
39 *Institutions Code is amended to read:*

1 11478.5. (a) There is in the Department of Justice the  
2 California Parent Locator Service and Central Registry  
3 which shall collect and disseminate all of the following,  
4 with respect to any parent, putative parent, spouse, or  
5 former spouse:

6 (1) The full and true name of the parent together with  
7 any known aliases.

8 (2) Date and place of birth.

9 (3) Physical description.

10 (4) Social security number.

11 (5) Employment history and earnings.

12 (6) Military status and Veterans Administration or  
13 military service serial number.

14 (7) Last known address, telephone number, and date  
15 thereof.

16 (8) Driver's license number, driving record, and  
17 vehicle registration information.

18 (9) Criminal, licensing, and applicant records and  
19 information.

20 (10) (A) Any additional location, asset, and income  
21 information, including income tax return information  
22 obtained pursuant to Section 19285.1 of the Revenue and  
23 Taxation Code, and the address, telephone number, and  
24 social security information obtained from a public utility  
25 *or cable television corporation* that may be of assistance  
26 in locating the parent, putative parent, abducting,  
27 concealing, or detaining parent, spouse, or former spouse,  
28 in establishing a parent and child relationship, in  
29 enforcing the child support liability of the absent parent,  
30 or enforcing the spousal support liability of the spouse or  
31 former spouse to the extent required by the state plan  
32 pursuant to Section 11475.2.

33 (B) For purposes of this subdivision "income tax  
34 return information" means all of the following regarding  
35 the taxpayer:

36 (i) Assets.

37 (ii) Credits.

38 (iii) Deductions.

39 (iv) Exemptions.

40 (v) Identity.

- 1 (vi) Liabilities.
- 2 (vii) Nature, source, and amount of income.
- 3 (viii) Net worth.
- 4 (ix) Payments.
- 5 (x) Receipts.
- 6 (xi) Address.
- 7 (xii) Social security number.

8 (b) To effectuate the purposes of this section, the  
9 *Statewide Automated Child Support System, the*  
10 *California Parent Locator Service and Central Registry,*  
11 *and the Franchise Tax Board* shall utilize the federal  
12 Parent Locator Service to the extent necessary, and may  
13 request and shall receive from all departments, boards,  
14 bureaus, or other agencies of the state, or any of its  
15 political subdivisions, and those entities shall provide, that  
16 assistance and data which will enable the *State*  
17 *Department of Social Services, the* Department of  
18 Justice, and other public agencies to carry out their  
19 powers and duties to locate parents, spouses, and former  
20 spouses, and to identify their assets, to establish  
21 parent-child relationships, and to enforce liability for  
22 child or spousal support, and for any other obligations  
23 incurred on behalf of children, and shall also provide that  
24 information to any district attorney in fulfilling the duties  
25 prescribed in Section 270 of the Penal Code, and in  
26 Chapter 8 (commencing with Section 3130) of Part 2 of  
27 Division 8 of the Family Code, relating to abducted,  
28 concealed, or detained children. The State Department  
29 of Social Services' Statewide Automated Child Support  
30 System shall be entitled to the same cooperation and  
31 information as the California Parent Locator Service, to  
32 the extent allowed by law. The Statewide Automated  
33 Child Support System shall be allowed access to criminal  
34 record information only to the extent that access is  
35 allowed by state and federal law.

36 (c) (1) To effectuate the purposes of this section, and  
37 notwithstanding any other provision of California law,  
38 regulation, or tariff, and to the extent permitted by  
39 federal law, the California Parent Locator Service and  
40 Central Registry and the Statewide Automated Child

1 Support System may request and shall receive from  
2 public utilities, as defined in Section 216 of the Public  
3 Utilities Code, *and cable television corporations, as*  
4 *defined in Section 215.5*, customer service information,  
5 including the full name, address, telephone number, date  
6 of birth, *employer name and address*, and social security  
7 number of customers of the public utility *or the cable*  
8 *television corporation*, to the extent that this information  
9 is stored within the computer data base of the public  
10 utility *or the cable television corporation*.

11 (2) In order to protect the privacy of utility *and cable*  
12 *television* customers, a request to a public utility *or cable*  
13 *television corporation* for customer service information  
14 pursuant to this section shall meet the following  
15 requirements:

16 (A) Be submitted to the public utility *or cable*  
17 *television corporation* in writing, on a transmittal  
18 document prepared by the California Parent Locator  
19 Service and Central Registry or the Statewide Automated  
20 Child Support System and approved by all of the public  
21 utilities *and cable television corporations*. *The transmittal*  
22 *shall be deemed to be an administrative subpoena for*  
23 *customer service information*.

24 (B) Have the signature of a representative authorized  
25 by the California Parent Locator Service and Central  
26 Registry or the Statewide Automated Child Support  
27 System.

28 (C) Contain at least three of the following data  
29 elements regarding the person sought:

- 30 (i) First and last name, and middle initial, if known.  
31 (ii) Social security number.  
32 (iii) Driver's license number.  
33 (iv) Birth date.  
34 (v) Last known address.  
35 (vi) Spouse's name.

36 (D) The California Parent Locator Service and  
37 Central Registry and the Statewide Automated Child  
38 Support System shall ensure that each public utility *and*  
39 *cable television corporation* has at all times a current list

1 of the names of persons authorized to request customer  
2 service information.

3 (E) The *California Statewide Automated Child*  
4 *Support System and the California Parent Locator*  
5 *Service and Central Registry* shall ensure that customer  
6 service information supplied by a public utility *or cable*  
7 *television corporation* is applicable to the person who is  
8 being sought before releasing the information pursuant  
9 to subdivision (d).

10 (3) The public utility *or cable television corporation*  
11 may charge a fee to the California Parent Locator Service  
12 and Central Registry or the Statewide Automated Child  
13 Support System for each search performed pursuant to  
14 this subdivision to cover the actual costs to the public  
15 utility *or cable television corporation* for providing this  
16 information.

17 (4) No public utility *or cable television corporation*, or  
18 official or employee thereof, shall be subject to criminal  
19 or civil liability for the release of customer service  
20 information as authorized by this subdivision.

21 (d) Notwithstanding Section 14202 of the Penal Code,  
22 any records established pursuant to this section shall be  
23 disseminated only to the Department of Justice, *the*  
24 *Statewide Automated Child Support System*, the  
25 California Parent Locator Service and Central Registry,  
26 the parent locator services and central registries of other  
27 states as defined by federal statutes and regulations, a  
28 district attorney of any county in this state, the federal  
29 Parent Locator Service, and official child support  
30 enforcement agencies. The State Department of Social  
31 Services' Statewide Automated Child Support  
32 Enforcement System shall be allowed access to criminal  
33 offender record information only to the extent that access  
34 is allowed by law.

35 (e) (1) At no time shall any information received by  
36 the California Parent Locator Service and Central  
37 Registry or by the Statewide Automated Child Support  
38 System be disclosed to any person, agency, or other  
39 entity, other than those persons, agencies, and entities

1 specified pursuant to Section 11478, this section, or any  
2 other provision of law.

3 (2) This subdivision shall not otherwise affect  
4 discovery between parties in any action to establish,  
5 modify, or enforce child, family, or spousal support, that  
6 relates to custody or visitation.

7 (f) (1) The Department of Justice, in consultation  
8 with the State Department of Social Services, shall  
9 promulgate rules and regulations to facilitate maximum  
10 and efficient use of the California Parent Locator Service  
11 and Central Registry.

12 ~~(2) The Department of Justice, in consultation with~~  
13 ~~the State Department of Social Services and, the Public~~  
14 ~~Utilities Commission, and the cable television~~  
15 ~~corporations shall develop procedures for obtaining the~~  
16 ~~information described in subdivision (c) from public~~  
17 ~~utilities, and for compensating the public utilities and~~  
18 ~~cable television corporations for providing that~~  
19 ~~information.~~

20 ~~(g) The State Department of Social Services and the~~  
21 ~~Department of Justice shall implement the provisions of~~  
22 ~~this section regarding public utilities, as defined by~~  
23 ~~Section 216 of the Public Utilities Code, only where there~~  
24 ~~is a reasonable likelihood that the cost of obtaining~~  
25 ~~customer service information from public utilities~~  
26 ~~pursuant to this section would be less than the additional~~  
27 ~~collections obtained through use of that information.~~

28 ~~(h) The California Parent Locator Service and Central~~  
29 ~~Registry may charge a fee not to exceed eighteen dollars~~  
30 ~~(\$18) for any service it provides pursuant to this section~~  
31 ~~that is not performed or funded pursuant to Part D~~  
32 ~~(commencing with Section 651) of Subchapter IV of~~  
33 ~~Chapter 7 of Title 42 of the United States Code.~~

34 ~~(i)–~~

35 (h) This section shall be construed in a manner  
36 consistent with the other provisions of this article.

37 SEC. 62. Section 11478.51 of the Welfare and  
38 Institutions Code is amended to read:

39 11478.51. ~~(a)–~~The Employment Development  
40 Department shall, when requested by the State

1 Department of Social Services, the Franchise Tax Board  
 2 for purposes of administering Article 5 (commencing  
 3 with Section 19271) of Chapter 5 of Part 10.2 of Division  
 4 2 of the Revenue and Taxation Code, *the federal Parent*  
 5 *Locator Service*, or the *California Parent Locator Service*,  
 6 ~~compare~~ *provide access to* information collected  
 7 pursuant to Section 1088.5 of the Unemployment  
 8 Insurance Code ~~to information provided by the State~~  
 9 ~~Department of Social Services or the Franchise Tax~~  
 10 ~~Board. When the information collected pursuant to that~~  
 11 ~~section concerns any individual about whom information~~  
 12 ~~has been provided to the Employment Development~~  
 13 ~~Department by the State Department of Social Services,~~  
 14 ~~the Franchise Tax Board, or the Parent Locator Service,~~  
 15 ~~the Employment Development Department shall~~  
 16 ~~transmit the information on that individual to the~~  
 17 ~~requesting department or agency for purposes of locating~~  
 18 ~~delinquent payors of child support payments or any other~~  
 19 ~~person having an obligation to provide support~~  
 20 ~~administering the child support enforcement program,~~  
 21 and for purposes of verifying employment of applicants  
 22 and recipients of aid under this chapter or food stamps  
 23 under Chapter 10 (commencing with Section 18900) of  
 24 Part 6.

25 ~~(b) This section shall become operative April 1, 1993,~~  
 26 ~~or when regulations are adopted pursuant to subdivision~~  
 27 ~~(d) of Section 1088.5 of the Unemployment Insurance~~  
 28 ~~Code, whichever is sooner.~~

29 *SEC. 63. Section 11478.8 of the Welfare and*  
 30 *Institutions Code is amended to read:*

31 11478.8. (a) Upon receipt of a written request from  
 32 a district attorney enforcing the obligation of parents to  
 33 support their children pursuant to Section 11475.1, *or*  
 34 *from an agency of another state enforcing support*  
 35 *obligations pursuant to Section 654 of Title 42 of the*  
 36 *United States Code*, every employer, as specified in  
 37 Section 5210 of the Family Code, and every labor  
 38 organization shall cooperate with and provide relevant  
 39 employment and income information which they have in  
 40 their possession to the district attorney for the purpose of

1 establishing, modifying, or enforcing the support  
2 obligation. No employer or labor organization shall incur  
3 any liability for providing this information to the district  
4 attorney.

5 Relevant employment and income information shall  
6 include, but not be limited to, all of the following:

7 (1) Whether a named person has or has not been  
8 employed by an employer or whether a named person  
9 has or has not been employed to the knowledge of the  
10 labor organization.

11 (2) The full name of the employee or member or the  
12 first and middle initial and last name of the employee or  
13 member.

14 (3) The employee's or member's last known residence  
15 address.

16 (4) The employee's or member's date of birth.

17 (5) The employee's or member's Social Security  
18 number.

19 (6) The dates of employment.

20 (7) All earnings paid to the employee or member and  
21 reported as W-2 compensation in the prior tax year and  
22 the employee's or member's current basic rate of pay.

23 (8) Other earnings, as specified in Section 5206 of the  
24 Family Code, paid to the employee or member.

25 (9) Whether the dependent health insurance  
26 coverage is available to the employee through  
27 employment or membership in the labor organization.

28 The district attorney *or other agency* shall notify the  
29 employer and labor organization of the district attorney  
30 case file number in making a request pursuant to this  
31 section. The written request shall include at least three of  
32 the following elements regarding the person who is the  
33 subject of the inquiry: (A) first and last name and middle  
34 initial, if known; (B) Social Security number; (C) driver's  
35 license number; (D) birth date; (E) last known address;  
36 or (F) spouse's name.

37 The district attorney *or other agency* shall send a notice  
38 that a request for this information has been made to the  
39 last known address of the person who is the subject of the  
40 inquiry.

(b) An employer or labor organization which fails to provide relevant employment information to the district attorney within 30 days of receiving a request pursuant to subdivision (a) may be assessed a civil penalty of a maximum of one thousand dollars (\$1,000), plus attorneys' fees and costs. Proceedings to impose the civil penalty shall be commenced by the filing and service of an order to show cause.

(c) "Labor organization," for the purposes of this section means a labor organization as defined in Section 1117 of the Labor Code or any related benefit trust fund covered under the federal Employee Retirement Income Security Act of 1974 (Chapter 18 (commencing with Section 1001) of Title 29 of the United States Code).

(d) Any reference to the district attorney in this section shall apply only when the district attorney is otherwise ordered or required to act pursuant to existing law. Nothing in this section shall be deemed to mandate additional enforcement or collection duties upon the district attorney beyond those imposed under existing law on the effective date of this section.

*SEC. 64. Section 11478.9 is added to the Welfare and Institutions Code, to read:*

*11478.9. (a) It is the intent of the Legislature to protect individual rights of privacy, and to facilitate and enhance the effectiveness of the child abduction and recovery programs, by ensuring the confidentiality of child abduction records, and to thereby encourage the full and frank disclosure of information relevant to all of the following:*

*(1) The establishment or maintenance of parent and child relationships and support obligations.*

*(2) The enforcement of the child support liability of absent parents.*

*(3) The enforcement of spousal support liability of the spouse or former spouse to the extent required by the state plan under Section 11475.2 of this code and Chapter 6 (commencing with Section 4800) of Part 5 of Division 9 of the Family Code.*

*(4) The location of absent parents.*

1 (5) *The location of parents and child abducted,*  
2 *concealed, or detained by them.*

3 (b) (1) *Except as provided in this subdivision, all files,*  
4 *applications, papers, documents, and records, established*  
5 *or maintained by any public entity for the purpose of*  
6 *locating an abducted child, locating a person who has*  
7 *abducted a child, or prosecution of a person who has*  
8 *abducted a child shall be confidential, and shall not be*  
9 *open to examination or released for disclosure for any*  
10 *purpose not directly connected with locating or*  
11 *recovering the abducted child or abducting person or*  
12 *prosecution of the abducting person.*

13 (2) *Except as provided in subdivision (c), no public*  
14 *entity shall disclose any file, application, paper document,*  
15 *or record described in this section, or the information*  
16 *contained therein.*

17 (c) (1) *All files, application, papers, documents, and*  
18 *records as described in subdivision (b) shall be available*  
19 *and may be used by a public entity for all administrative,*  
20 *civil, or criminal investigations, actions, proceedings, or*  
21 *prosecution conducted in connection with the child*  
22 *abduction or prosecution of the abducting person.*

23 (2) *A document requested by a person who wrote,*  
24 *prepared, or furnished the document may be examined*  
25 *by or disclosed to that person or his or her designee.*

26 (3) *Public records subject to disclosure under Chapter*  
27 *3.5 (commencing with Section 6250) of Division 7 of Title*  
28 *1 of the Government Code may be released.*

29 (4) *After a notice motion and a finding by the court,*  
30 *in a case in which child recovery or abduction*  
31 *prosecution actions are being taken, that release or*  
32 *disclosure is required by due process of law, the court may*  
33 *order a public entity that possesses an application, paper,*  
34 *document, or record described in this subdivision to make*  
35 *that item available to the defendant or other party for*  
36 *examination or copying, or to disclose to an appropriate*  
37 *person the contents of that item. Article 9 (commencing*  
38 *with Section 1040) of Chapter 4 of Division 8 of the*  
39 *Evidence Code shall not be applicable to proceedings*  
40 *under this part.*

(5) To the extent not prohibited by federal law or regulation, information indicating the existence or imminent threat of a crime against a minor child, or location of a concealed or abducted child or the location of the concealing or abducting person, may be disclosed to any appropriate law enforcement agency, or to any state or county child protective agency, or may be used in any judicial proceedings to prosecute that crime or to protect the child.

(6) Information may be released to any state or local agency for the purposes connected with establishing, modifying, and enforcing child support obligations, enforcing spousal support orders, and determining paternity as required by Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code and this article.

SEC. 65. Section 11489 of the Welfare and Institutions Code is amended to read:

11489. After judgment in any court action brought to enforce the support obligation of ~~an absent~~ a noncustodial parent pursuant to the provisions of this chapter, the court ~~may~~ shall issue an earnings assignment order for support pursuant to Chapter 8 (commencing with Section 5200) of Part 5 of Division 9 of the Family Code.

SEC. 66. Section 14008.6 of the Welfare and Institutions Code is amended to read:

14008.6. As a condition of eligibility for medical services provided under this chapter or Chapter 8 (commencing with Section 14200), ~~and to the extent required by federal law~~, each applicant or beneficiary shall:

(a) Assign to the state any rights to medical support and to payments for medical care from a third party that an individual may have in his or her own behalf or in behalf of any other family member for whom that individual has the legal authority to assign such rights, and is applying for or receiving medical services. Receipt of medical services under this chapter or Chapter 8 (commencing with Section 14200) shall operate as an assignment by operation of law. If those rights are

1 assigned pursuant to this subdivision, the assignee may  
2 become an assignee of record by the district attorney or  
3 other public official filing with the court clerk an affidavit  
4 showing that an assignment has been made or that there  
5 has been an assignment by operation of law. This  
6 procedure does not limit any other means by which the  
7 assignee may become an assignee of record.

8 (b) Cooperate, *as defined by paragraph (2) of*  
9 *subdivision (a) of Section 11477*, with ~~the county welfare~~  
10 ~~department~~ and the district attorney in establishing the  
11 paternity of a child born out of wedlock with respect to  
12 whom medical services are requested or claimed, and for  
13 whom that individual can legally assign the rights  
14 described in subdivision (a), and in obtaining any  
15 medical support, as provided in Section 11475.1, and  
16 payments, as described in subdivision (a), due any person  
17 for whom medical services are requested or obtained.

18 (c) Cooperate with the state in identifying and  
19 providing information to assist the state in pursuing any  
20 third party who may be liable to pay for care and services  
21 available under the Medi-Cal program.

22 (d) ~~The State Department of Health Services shall~~  
23 ~~establish an exclusive list of acts, in accordance with~~  
24 ~~federal law, which shall be the only acts deemed to be a~~  
25 ~~refusal to offer reasonable cooperation and assistance.~~  
26 ~~The county welfare department district attorney~~ shall  
27 verify that the applicant or recipient refused to offer  
28 reasonable cooperation prior to determining that the  
29 applicant or recipient is ineligible. The granting of  
30 medical services shall not be delayed or denied if the  
31 applicant is otherwise eligible, if the applicant completes  
32 the necessary forms and agrees to cooperate with the  
33 district attorney in securing medical support and  
34 determining paternity, where applicable.

35 (e) An applicant or beneficiary shall be considered to  
36 be cooperating with ~~the county welfare department or~~  
37 the district attorney's office and shall be eligible for  
38 medical services, if otherwise eligible, if the applicant or  
39 beneficiary cooperates to the best of his or her ability or  
40 has good cause for refusal to cooperate with the

1 requirements in subdivisions (b) and (c), *as defined by*  
2 *subdivision (b) of Section 11477. The State Department*  
3 *of Health Services, in accordance with federal law, shall*  
4 *establish standards for determining* *The county welfare*  
5 *department shall make the determination of whether*  
6 *good cause for refusal to cooperate exists.*

7 *The county welfare department and the district*  
8 *attorney shall insure ensure that all applicants for or*  
9 *beneficiaries of medical services under this chapter or*  
10 *Chapter 8 (commencing with Section 14200) are*  
11 *properly notified of the conditions imposed by this*  
12 *section.*

13 *SEC. 67. Section 14008.7 is added to the Welfare and*  
14 *Institutions Code, to read:*

15 *14008.7. If the applicant or beneficiary does not*  
16 *cooperate in the manner described in subdivisions (b)*  
17 *and (c) of Section 14008.6 to establish paternity and*  
18 *medical support orders against the noncustodial parents*  
19 *of each of the children for whom Medi-Cal services are*  
20 *requested or received, without good cause, as described*  
21 *in subdivision (b) of Section 11477, the applicant or*  
22 *beneficiary shall be ineligible for aid under this chapter*  
23 *or Chapter 8 (commencing with Section 14200). An*  
24 *applicant's or beneficiary's refusal to cooperate shall not*  
25 *affect the eligibility of the child or children. If otherwise*  
26 *eligible, the child or children may be granted Medi-Cal*  
27 *or continue to receive Medi-Cal.*

28 *SEC. 68. This act shall become operative only if*  
29 *Assembly Bill 1395 and Senate Bill 247, both of the 1997-98*  
30 *Regular Session, are enacted and become effective on or*  
31 *before January 1, 1998.*